



# THE EXPLORATORIUM RELOCATION PROJECT

City and County of San Francisco Planning Department

**Case No. 2006.1073E**

State Clearinghouse No. 2007052052

DEIR Publication Date: January 28, 2009

DEIR Public Hearing Date: March 5, 2009

DEIR Public Review Period: January 28, 2009 to March 16, 2009

FEIR Certification Date: July 9, 2009

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# **THE EXPLORATORIUM RELOCATION PROJECT**

## **COMMENTS AND RESPONSES**

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# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

**DATE:** June 25, 2009  
**TO:** Members of the Planning Commission and Interested Parties  
**FROM:** Bill Wycko, Environmental Review Officer  
**RE:** Case No. 2006.1073E, Exploratorium Relocation Project  
Comments and Responses on the DEIR

1650 Mission St  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

Attached for your review please find a copy of the Comments and Responses document for the Draft Environmental Impact Report (EIR) for the above-referenced project. **This document, along with the Draft EIR, will be considered by the Planning Commission in an advertised public meeting on July 9, 2009, at which time the Planning Commission will determine whether to certify the EIR as complete and adequate.** Please note that the public review period ended on March 16, 2009.

The Planning Commission does not conduct a hearing to receive comments on the Comments and Responses document, and no such hearing is required by the California Environmental Quality Act. Interested parties, however, may always write to Commission members or to the President of the Commission at 1650 Mission Street and express an opinion on the Comments and Responses document, or the Commission's decision to certify the completion of the Final EIR for this project. Letters should be sent in time to be received at 1650 Mission Street on the Wednesday before the Planning Commission meeting for which the EIR certification is considered.

Please note that if you receive the Comments and Responses document in addition to the Draft EIR, you technically have the Final EIR. If you have any questions concerning the Comments and Responses document or the environmental review process, please contact the EIR Coordinator, Viktoriya Wise, at (415) 575-9049. Copies of the Draft EIR may be requested from Vimaliza Byrd at (415) 575-9025.

Thank you for your interest in this project and your consideration of this matter.

Attachment: Comments and Responses document.



# The Exploratorium Relocation Project

## Comments and Responses

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# COMMENTS AND RESPONSES

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## A. INTRODUCTION

### PURPOSE OF THE COMMENTS AND RESPONSES DOCUMENT

This Comments and Responses document responds to comments on the Exploratorium Relocation Project Draft Environmental Impact Report (DEIR). This document was prepared in accordance with the California Environmental Quality Act (CEQA) *Guidelines* and presents a summary of all comments, the City's responses to comments, copies of the letters received, and a transcript of the public hearing. Responses are provided to all comments regarding whether the DEIR identifies and analyzes the possible environmental impacts and identifies appropriate mitigation measures. The DEIR, together with this Comments and Responses document, will be considered by the Planning Commission in an advertised public meeting, and then certified as a Final EIR if deemed adequate.

### ENVIRONMENTAL REVIEW PROCESS

A Notice of Preparation of an Environmental Impact Report and an Initial Study for the Exploratorium Relocation Project was distributed on November 10, 2007. Written comments on the scope of the EIR were accepted until December 10, 2007. Comments regarding the scope of the EIR were addressed in the DEIR. The DEIR was distributed for public review and comment in accordance with CEQA on January 28, 2009. The public review period for the DEIR began on January 28, 2009 and ended March 16, 2009. During the public comment period, the document was reviewed by various State, regional, and local agencies, as well as by interested organizations and individuals. Eight comment letters were received from four agencies, three organizations, and one individual. A public hearing before the City's Planning Commission was held on March 5, 2009 to obtain oral comments on the DEIR. During the public hearing, oral comments were offered by one organization representative, nine individuals and five Planning Commissioners. This Comments and Responses document, along with the DEIR, will be before the Planning Commission for Final EIR certification on July 9, 2009.

### ORGANIZATION OF COMMENTS AND RESPONSES

This document contains the public comments received on the DEIR prepared for the proposed Exploratorium Relocation Project, and responses to those comments. Also included in this document are staff-initiated changes to the DEIR.

Following this introduction, Section B presents a list of all persons and organizations that provided written comments, and the date of their communications, or oral testimony at the public hearing on the DEIR before the San Francisco Planning Commission held on March 5, 2009.

Section C contains summaries of all comments on the DEIR made orally during the public hearing and received in writing during the public comment period, from January 28, 2009 through March 16, 2009. Comments are grouped by environmental topic and generally correspond to the table of contents of the DEIR; where no comments addressed a particular topic, however, that topic appears under the General Comments section of this document. The name of the commenter is indicated following each comment summary. The original comment letters are included as an appendix and marked to indicate where each discrete comment is addressed in Section C.

Section D contains text changes to the DEIR made by the EIR preparers subsequent to publication of the DEIR to correct or clarify information presented in the DEIR, including changes to the DEIR text made in response to comments.

Some of the responses to comments on the DEIR provide clarification regarding the DEIR; where applicable, changes have been made to the text of the DEIR, and are shown in double underline for additions and ~~striketrough~~ for deletions.

Several comments made both in writing and at the public hearing were directed towards the perceived merits or demerits of the Project and Expanded Project. Responses to these comments are brief, as they do not concern the adequacy or accuracy of the EIR.

The comment letters received and the transcripts of the public hearings are reproduced in Appendices A and B, respectively.

These comments and responses will be incorporated into the Final EIR as a new chapter. Text changes resulting from comments and responses will also be incorporated in the Final EIR, as indicated in the responses.

## **B. LIST OF PERSONS COMMENTING**

### **LOCAL AND REGIONAL AGENCIES**

#### **San Francisco Fire Department**

Captain William Mitchell, written comments February 25, 2009

#### **Historic Preservation Commission**

Charles Chase, Interim President, written comments March 5, 2009

#### **California State Lands Commission**

Grace Kato, Public Land Management Specialist, written comments March 10, 2009

#### **Bay Conservation and Development Commission**

Ming Yeung, written comments March 16, 2009

#### **San Francisco Planning Commission**

President Ron Miguel, public hearing comments March 5, 2009

Commissioner William Lee, public hearing comments March 5, 2009

Commissioner Kathrin Moore, public hearing comments March 5, 2009

Commissioner Michael Antonini, public hearing comments March 5, 2009

Commissioner Hisashi B. Sugaya, public hearing comments March 5, 2009

### **ORGANIZATIONS**

#### **Telegraph Hill Dwellers**

Vedica Puri, written comments March 5, 2009

Andy Katz, public hearing comments March 5, 2009

#### **San Francisco Architectural Heritage**

Jack A. Gold, written comments March 16, 2009

#### **SF Bay Trail**

Laura Thompson, written comments March 16, 2009

### **INDIVIDUALS**

Judy Irving, written comments February 25, 2009

Ernestine Weiss, public hearing comments March 5, 2009

Bob Middlestar, public hearing comments March 5, 2009

Morton Beebe, public hearing comments March 5, 2009

Sarah Delaney, public hearing comments March 5, 2009

Peter Winkelstein, public hearing comments March 5, 2009

Tom Roche, public hearing comments March 5, 2009



## B. List of Persons Commenting

Gerry Crowley, public hearing comments March 5, 2009

Alec Bash, public hearing comments March 5, 2009

Jon Golinger, public hearing comments March 5, 2009

## C. COMMENTS AND RESPONSES

### INTRODUCTION

This section contains Master Responses to address similar comments that were raised in more than one letter and to provide information in a comprehensive, easily-located discussion that clarifies and elaborates upon the analyses in the DEIR. The Master Responses address the following topics:

- Master Response 1: Description and Analysis of the Expanded Project
- Master Response 2: Consistency with Plans and Policies
- Master Response 3: Analysis of the Project According to Secretary of the Interior's Standard for Rehabilitation #9
- Master Response 4: Refinement of Material Palette and Compatibility of Glass and Steel with Historic Resource

### MASTER RESPONSES

#### Master Response 1: Description and Analysis of the Expanded Project

This Master Response addresses Comments 1.4, 2.9, and 5.7.

This Master Response provides a combined response to several comments stating that the DEIR lacked information and did not sufficiently describe or analyze the impacts to Pier 17 resulting from the Expanded Project. The comments suggest that if the DEIR is to serve as the environmental document for the possible expansion of the Exploratorium into Pier 17, that it should include more detailed information about Pier 17 and the Expanded Project. The comments also suggest that the analysis of the Project and Expanded Project are inadequate for CEQA purposes because the two project components were being "piece-mealed" and analysis of the Expanded Project was being deferred.

The DEIR evaluated the potential impacts of the Expanded Project at an equal level of detail as the Project. The Project Description in the DEIR includes substantial details on the proposed improvements and future use of Pier 17. These details include: projected visitorship; building program space; improvements to the structure's exterior and roof; freight unloading; and construction and rehabilitation details. Specifically, Table II-5 on p. II-19 of the DEIR presents the uses anticipated under the Expanded Project and assigns specific square footages to those uses. The DEIR fully describes the proposed changes to the building, such as removal of the two bays from the 1950s addition to the south façade of Pier 17, installation of photovoltaic

panels, and replacement of light fixtures. The visual simulations presented in Section C, Aesthetics, of Chapter III of the DEIR, include the Expanded Project and show a substantial level of detail with respect to the Pier 17 exterior modifications. For example, DEIR Figure III.C-5, p. III.C-13, shows the proposed glazed storefront system and new monitor roof windows on the south façade as well as the proposed glazed entrance and rehabilitation of the historic wood doors on the west façade. Figures III.C-1 and III.C-2, pp. III.C-6 and III.C-7 of the DEIR, depict the removal of the two west bays from the 1950s addition and the associated new glazing as well as the proposed changes to the roof monitor windows.

Furthermore, Section D, Transportation and Circulation, of Chapter III of the DEIR fully analyzes the impacts of expanding the museum into Pier 17 with respect to traffic, transit, pedestrian, bicycle and loading operations. The DEIR also provides analysis of the Expanded Project with respect to Land Use, Noise, Air Quality, Biological Resources, Hydrology and Water Quality. While the DEIR provides a substantial level of detail about the Expanded Project, certain aspects of the design, such as specific materials to be used and minor design elements including paint and material colors, interior partition layout and landscaping, have yet to be determined. Because Pier 17 is a contributing resource to the National Register Historic District, this level of detail is necessary to make a determination under the topic of Cultural Resources of whether the Expanded Project would be consistent with the *Secretary of the Interior Standards for Rehabilitation (Secretary's Standards)*. However, because Pier 17 is a known historic resource and there is ample documentation identifying its character-defining features, and because the approach to development of Pier 17 would be similar to that for Pier 15, it is possible to identify a set of performance criteria, implementation of which would ensure that changes to Pier 17 would not result in an adverse impact to an historic resource.

Information and analysis of the Expanded Project was presented throughout the DEIR in all sections of Chapter III. Environmental Setting and Impacts as follows:

Topic	DEIR Page #
Plans and Policies	III.A-1 to III.A-19
Land Use	III.B-2 to III.B-5
Aesthetics	III.C-17 to III.C-24
Cultural Resources	III.D-28, III.D-30 to III.D-48
Transportation	III.E-19 to III.E-53
Noise	III.F-5 to III.F-8
Air Quality	III.G-18 to III.G-25
Biological Resources	III.H-21 to III.H-28
Hydrology and Water Quality	III.I-23 to III.I-37

As part of the Project, the Project Sponsor is proposing to lease Pier 17 along with Pier 15, and would occupy at least a portion of Pier 17 from the outset for exhibit fabrication, loading and receiving, and other uses. There would be construction on Pier 17 during the Project that would include utility infrastructure upgrades, repair of the north apron (or replacement if repair is not feasible), and reconstruction of the south east wall of the non-historic shed addition after the Connector Building is demolished. Additionally, the Project would involve interior tenant improvement work in Pier 17, including subdivision of a portion of the pier shed for maritime warehouse and office space to accommodate the relocation of Baydelta Maritime, a loading and receiving area, bicycle storage, showers, and lockers, trash/recycling room and golf cart storage.

"Piece-mealing" under CEQA means that a project inappropriately defers future analysis and in the process fails to consider the combined or cumulative impacts of present and future activities. The commentor's concern about deferred analysis relates to the potential impacts of the Expanded Project on the significance of Pier 17 as a historic resource and the adequacy of Mitigation Measure M-CP-1, p. III.D-34. The DEIR was prepared in accordance with Section 15161 of the *CEQA Guidelines*, which states that a project EIR "shall examine all phases of the project including planning, construction, and operation." Section 15355 of the *CEQA Guidelines* defines a cumulative impact as "the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects." The Expanded Project is reasonably foreseeable because it is a known undertaking of the Project Sponsor and is subject to the conditions set forth in the 66-year lease (Lease). Analysis and conclusions are presented in the DEIR at an equal level of detail for all phases of the Project and Expanded Project, and includes analysis of the combined impacts of the Project and the Expanded Project on Piers 15 and 17 and the Historic District. The DEIR concludes that the Expanded Project could result in a substantial adverse change in the significance of Pier 17. However, implementation of Mitigation Measure M-CP-1 would ensure that impacts to Pier 17 and the Historic District would be less-than-significant.

When the precise details of certain aspects of a project cannot be identified at the time a project is approved, the EIR for a project may rely upon mitigation measures that include future analysis of those unknown details, and may rely upon future studies or regulatory approvals to direct the future mitigation, provided that (1) the EIR does not defer a determination of whether the project would have a significant impact, (2) the EIR provides substantial evidence as to why the mitigation would reduce the potentially significant impact to a less-than-significant level; (3) the agency and project sponsor have committed to implementing the mitigation measure; (4) the mitigation measure include identifiable standards or specific performance criteria; and (5) the element of the mitigation measure that relies upon as yet undetermined project details and



is subject to deferred measure includes an enforcement mechanism to ensure that mitigation is achieved. (*See generally* California Native Plant Society v. City of Rancho Cordova (2009) 172 Cal.App.4<sup>th</sup> 603.)

Pages III.D-30 through III.D-32 of the DEIR clearly outline all of the known design details for Pier 17 as proposed under the Expanded Project. The DEIR acknowledges that the proposed design does not include the level of detail necessary to determine whether the Expanded Project would or would not be consistent with the *Secretary's Standards*. While the DEIR provides substantial detail about the Expanded Project, certain aspects of the design, such as minor architectural details and specifications (i.e., a new metal and glass storefront), have yet to be determined. Because Pier 17 is a known historic resource and there is ample documentation identifying its character-defining features, it is possible to identify a set of performance criteria, implementation of which would ensure that changes to Pier 17 would not result in an adverse impact on an historic resource. The text of the DEIR has been modified to clarify this fact, as shown in Section D. DEIR Revisions, p. C&R-121, of this Comments and Responses document. Page III.D-32 of the DEIR states that "because ...additional information is required to support a determination as to their consistency with the *Secretary's Standards*, these improvements have the potential to impact Pier 17 and its character-defining features."

The Project Sponsor's decision whether to implement the Expanded Project is dependent on the success of the Project. This success would be measured in a number of ways including the growth in scope and influence of educational programs and exhibits, increasing attendance figures, and meeting revenue projections. The Project Sponsor would reassess the long-term strategic goals of the Exploratorium at that future time and gauge the ability to finance the Expanded Project. The Project Sponsor would then implement a similar process of design and regulatory approvals to determine the feasibility of building the Expanded Project. The Project Sponsor has not developed complete full design details for the Expanded Project because of the need to balance the cost of full design with the uncertainty regarding implementation of the Expanded Project, and to confirm programmatic details based upon experience with the Project. Instead, the Project Sponsor developed the project description for the Expanded Project at a level of detail sufficient to evaluate the potential for significant impacts under CEQA (including but not limited to historical resource impacts) and at a level that supports implementation of detailed mitigation measures, consistent with CEQA. This statement explains the reason why future additional analysis of the Expanded Project would be required.

The lack of full design specifications for the Expanded Project results in a DEIR finding that the Expanded Project has the potential to result in a significant impact to a historical resource, pending determination of final project design details. Mitigation Measure M-CP-1 addresses

the uncertainty caused by lack of complete design information by requiring the final design of the Expanded Project to conform to detailed performance criteria and by creating a future evaluation and enforcement mechanism. The performance criteria address each of the historic character defining features of Pier 17 and mandate minimum design and construction requirements to prevent significant impacts from occurring to such features. In addition, Mitigation Measure M-CP-1 requires that, prior to implementing the Expanded Project and upon completion of project design, the Project Sponsor must submit additional design information to multiple enforcement agencies for subsequent review and approval.

Section 15126.4(b)(1) of the *CEQA Guidelines* states that if "maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource would be conducted in a manner consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (1995), then the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus is not significant." Page III.D-35 of the DEIR, Mitigation Measure M-CP-1, states that at a minimum, the Expanded Project shall incorporate specific performance criteria into the design for Pier 17. The design of the Expanded Project may also pursue alternative approaches that minimize the potential to cause adverse changes in Pier 17's character-defining features and historic character. Mitigation Measure M-CP-1, p III.D-35, includes a specific set of performance criteria addressing 11 overall design considerations for the Expanded Project. The performance criteria address interior and exterior design elements throughout the entirety of Pier 17 under the Expanded Project. These performance criteria would be reviewed by Port staff when it reviews the schematic drawings and construction drawings for the Expanded Project. In addition, as part of the Port building permit process, the Exploratorium would be required to prepare and submit an Amended Historic Resources Evaluation Report by a qualified historic preservation architect to Port for Port review. The Planning Department Environmental Review Officer's (ERO) concurrence that Mitigation Measure M-CP-1 has been satisfied is a pre-requisite to the Port's issuance of the building permit.

Section 15126.4(a)(2) of the *CEQA Guidelines* states that "mitigation measures must be fully enforceable through permit conditions, agreements, or other legally binding instruments." Specific enforcement protocol for the implementation of Mitigation Measure M-CP-1 is included within the mitigation measure. Page III.D-47 of the DEIR, Mitigation Measure M-CP-1, states "the Planning Department Environmental Review Officer (ERO) shall be responsible for monitoring the Project Sponsor's compliance with this Mitigation Measure. Because the Port is the property owner and the City agency with jurisdiction to issue building permits for construction on the waterfront, the ERO shall consult with the Port prior to making a

determination that the Expanded Project has complied with this mitigation measure. The Project Sponsor shall initiate consultation with the Port prior to making application for a building permit to execute the Expanded Project scope of work, which is the subject of this Mitigation Measure.”

The main enforcement mechanism to ensure that Mitigation Measure M-CP-1 is implemented is the Port’s building permit process, as well as the Lease for the rehabilitation and use of Piers 15 and 17. The Lease grants the Exploratorium the right to construct the Expanded Project, as described in the DEIR Project Description, p. II-8, subject to the conditions set forth in the Lease. These conditions ensure that the Expanded Project cannot be built until there has been review and approval of the architectural plans by Port staff, the Planning Department’s ERO, the Waterfront Design Advisory Committee (WDAC), and the State Historic Preservation Officer (SHPO) and the National Park Service (NPS).

Before commencing any new construction, the Exploratorium would be required to notify the Port of such planned construction and submit schematic drawings for the proposed improvements. In addition, under the Lease, the Expanded Project would be subject to the design review process set forth in Section 240 of the *San Francisco Planning Code*. The Lease further provides that all improvements constructed on the premises must comply with the *Secretary’s Standards* as applied by SHPO and NPS. Improvements also must comply with the Port’s Historic Preservation Review Guidelines for Pier and Bulkhead Wharf Substructures.

In conclusion, the DEIR provides the necessary level of detail to analyze the Expanded Project, and meets the criteria for relying on a mitigation measure that includes additional future analysis. Therefore, the DEIR does not piece-meal or improperly defer analysis to the future.



## Master Response 2: Consistency with Plans and Policies

This Master Response addresses Comments 3.2 and 3.3.

This Master Response provides a combined response to comments stating that the inconsistencies of the Project and Expanded Project with the Port's *Waterfront Land Use Plan (WLUP)* and the Bay Conservation and Development Commission's (BCDC) *Special Area Plan (SAP)* should be considered a potentially significant impact. The comments also suggest that where inconsistencies with plans and policies related to aesthetics, visual character and public view corridors have been identified, the inconsistencies should be deemed significant effects.

Within the CEQA context, impacts associated with consistency of a project with applicable land use plans and policies are evaluated within a very explicit framework, as set forth under significance criterion "b" of the Land Use and Land Use Planning section of the CEQA checklist.<sup>1</sup> Specifically, the significance criterion asks whether a project would "conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect." Given this threshold, CEQA analysis necessarily focuses on determining whether the applicable plans and policies were adopted for the purpose of avoiding or mitigating an environmental impact and if yes, whether the project is in conflict with such plans and policies. A conflict with applicable plans and policies is not, in itself, deemed a significant effect under CEQA, unless that conflict results in an adverse physical impact relative to baseline conditions. (Effects analyzed under CEQA must be related to a physical change, according to Section 15358(b) of the State *CEQA Guidelines*). The question of whether a particular project conflicts with applicable plans and policies that were not adopted for the purpose of avoiding or mitigating an environmental impact is considered by the decision makers outside the CEQA analysis, as part of their decision whether to approve or disapprove a project. The Port Commission will consider whether to approve the Project and Expanded Project. The Port Commission and BCDC will determine if the Project and Expanded Project, on balance, would be consistent with the applicable objectives and policies of the *WLUP* and *SAP*.

The principle goals and objectives of the *WLUP* and *SAP* address improvements to the San Francisco Waterfront. These plans have not been adopted for the purpose of avoiding or mitigating an environmental effect. The policies adopted within both plans encourage continued maritime uses while allowing a diversity of other non-maritime uses consistent with

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<sup>1</sup> All the significance criteria used to evaluate land Use and Land Use Planning impacts are described on page 23 of the Exploratorium Relocation Project Initial Study, which is attached to the DEIR as Appendix A.

the Public Trust. *WLUP* and *SAP* policies also promote improved visual and physical public access to the Bay and preservation and rehabilitation of historic structures. Page III.B-4 of the DEIR states that 1) the Port's *WLUP* including the *Waterfront Design and Access Element*, and 2) BCDC's *SAP* policies "were not adopted for the purpose of avoiding or mitigating an environmental effect, but rather to open new view corridors towards the Bay, remove fill, and provide new opportunities for public access." The Valley, Connector Building, and non-historic shed additions were constructed well before the *WLUP* and *SAP* were adopted. Both plans were intended to improve existing conditions along the San Francisco Waterfront, not as policies to be implemented on a newly proposed project for the purpose of avoiding or mitigating an environmental effect that could potentially result from the project. Therefore, the DEIR properly concludes that the inconsistency of the Project and Expanded Project with Port and BCDC policies and standards is not a significant impact under CEQA.

Decision-making bodies, such as the San Francisco Board of Supervisors, the Port Commission, and BCDC, are responsible for reviewing the consistency of proposed projects with the applicable land use policy documents. As discussed above, a decision-maker's consistency review occurs as part of the project approval process. Decision-makers' consistency review occurs independently and separately from CEQA analysis, except in cases where the plan or policy was adopted for the purpose of preventing or mitigating project-specific impacts to the physical environment. Land use plans and policies such as the *WLUP* and *SAP* reflect broad and sometimes competing planning policies that decision-makers must evaluate and balance when considering whether to approve a proposed project. While the Proposed and Expanded Project would be inconsistent with several discreet policies in the *WLUP* (DEIR p. III.A-9) and *SAP* (DEIR p. III.A-16), they would nonetheless be consistent with other *WLUP* and *SAP* policies that call for continued maritime uses along the waterfront, increased public access to the waterfront, improvement of existing and creation of new visual access to the Bay, and preservation and rehabilitation of historic structures along the waterfront.

The Project Sponsor is seeking amendments to the *WLUP* and *SAP* as part of the project approval process. Certification of the EIR is required before the Port Commission and BCDC could approve amendments to their respective policy documents. Once the EIR is certified, decision-makers will determine whether the plan amendments proposed by the Project Sponsor are appropriate and consistent with the broader planning objectives of the *WLUP* and *SAP*. If the amendments are not approved, then the Project and the Expanded Project cannot move forward. This is a standard approach regarding the timing of environmental review vis-à-vis proposed land use plan amendments, and is consistent with past practice of the City and County of San Francisco and BCDC on other projects.

The DEIR acknowledges that the policies in question relate to visual and aesthetic resources. Page III.B-2 of the DEIR states “the Project and Expanded Project are not consistent with the Port’s *WLUP*, *Waterfront Design and Access Element* and BCDC’s *SAP* policies that call for removal of the Valley, Connector Building and non-historic shed additions at the Project Site.” These policies are intended to support creation of new view corridors of the Bay from The Embarcadero and Herb Caen Way. Prioritization of the creation of new view corridors, however, should not be conflated with CEQA’s analysis of environmental impacts relative to existing physical conditions. The DEIR evaluates the latter, as required under CEQA, by analyzing potential effects to aesthetic resources in Section III.C, Aesthetics. On p. III.C-22, the DEIR concludes that the Project and Expanded Project “would not have significant adverse impacts on publicly-accessible scenic vistas, nor would the Project or the Expanded Project damage scenic resources or other features that contribute to the scenic public setting.” This conclusion is based on the fact that the Project and Expanded Project would be *creating* a new view corridor between Pier 17 and the proposed Bridge Building and would not significantly alter the profile of the historic Piers 15 and 17. Additionally, the Project and Expanded Project would create new public access to the apron areas resulting in new views from the Project Site towards the East Bay, Treasure Island, the Bay Bridge, and Downtown San Francisco.

In conclusion, the applicable *WLUP* and *SAP* policies were not adopted for the purpose of avoiding or mitigating an environmental impact and therefore, the DEIR determined that the Project’s and Expanded Project’s inconsistencies with applicable policies of the *WLUP* and *SAP* policies would not result in a significant CEQA impact. Furthermore, while the Project and the Expanded Project are inconsistent with certain *WLUP* and *SAP* policies, they further other *WLUP* and *SAP* policies. Finally, the Project and Expanded Project’s inconsistency with certain of the *WLUP* and *SAP* policies would not result in an adverse physical impact, as discussed in Section III.C, Aesthetics, of the DEIR. Therefore, the inconsistency in itself is not deemed to be a significant effect under CEQA.



### Master Response 3: Analysis of the Project According to Secretary of the Interior's Standard for Rehabilitation #9

This Master Response addresses Comments 5.3, 5.5, and 5.15.

This Master Response addresses comments regarding the relationship of the proposed Bridge Building to the *Secretary of the Interior's Standard for Rehabilitation #9*. The analysis and conclusions of the DEIR (see DEIR pp. III.D-23 through III.D-49) were based on Page & Turnbull's *Historic Resource Evaluation Report* (HRER) and the *Historic Resource Evaluation Response* (HRE Response) prepared by the San Francisco Planning Department. The HRER provides an analysis of the Project pursuant to each of the Rehabilitation Standards for construction of the new Bridge Building and its compatibility with the adjacent Pier 15 and surrounding Port of San Francisco Embarcadero Historic District (Historic District) (see HRER, pp. 76 to 102). Specifically, the HRER conducted an analysis of the Project pursuant to Rehabilitation Standard #9 (see HRER, pp. 94 to 101) and DEIR, p. III.D-30.

Page III.D-23 of the DEIR presented the following significance threshold for impacts on historic resources:

*The Project and Expanded Project would result in significant adverse cultural resource impacts if it would cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5, including those structures listed in Article 10 or Article 11 of the San Francisco Planning Code.*

Page 76 of the HRER provides an explanation of a "substantial adverse change" as follows:

*According to CEQA, a "project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment."<sup>2</sup> Substantial adverse change is defined as: "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired."<sup>3</sup> The significance of an historical resource is materially impaired when a project "demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance" and that justify or account for its inclusion in, or eligibility for inclusion in, the California Register.<sup>4</sup> Thus, a project may cause a substantial change in an historical resource but still not have a significant adverse effect on the environment as defined by CEQA, so long as the*

<sup>2</sup> CEQA Guidelines Section 15064.5(b).

<sup>3</sup> CEQA Guidelines Section 15064.5(b)(1).

<sup>4</sup> CEQA Guidelines Section 15064.5(b)(2).

*impact of the change on the historical resource is determined to be less-than-significant, negligible, neutral or even beneficial.*

As discussed on pp. III.D-19 through III.D-20 of the DEIR, the *Secretary's Standards* "are the benchmark by which federal agencies and many local government bodies evaluate rehabilitative work on historic properties. The *Secretary's Standards* are a useful analytic tool for understanding and describing the potential impacts of substantial changes to historic resources. Compliance with the *Secretary's Standards* does not determine whether a project would cause a substantial adverse change to the significance of an historic resource. Rather, projects that comply with the *Secretary's Standards* benefit from a regulatory presumption that they would have a less-than-significant adverse impact on an historic resource. Projects that do not comply with the *Secretary's Standards* may or may not cause a substantial adverse change to the significance of an historic resource."

Further, the *Secretary's Standards* state that:

*The Standards are neither technical nor prescriptive, but are intended to promote responsible preservation practices that help protect our Nation's irreplaceable cultural resources. For example, they cannot, in and of themselves, be used to make essential decisions about which features of the historic building should be saved and which can be changed. But once a treatment is selected, the Standards provide a philosophical consistency to the work.*<sup>5</sup>

In evaluating significant adverse impacts on historic resources, it is important that a property's integrity (or the property's ability to convey its historical significance) be maintained and that a property retains its justification for eligibility on national and state historical registers. The determination of whether a project would result in a significant impact on an historical resource is based on whether a proposed project would alter a resource such that it no longer would retain sufficient integrity to convey its historic significance. The significance threshold, therefore, allows for a situation where a project could result in changes to an historical resource, but because these changes would not affect the overall integrity of a property or its justification for inclusion in an historical register, the impact would be considered less than significant.

As stated and interpreted, the *Secretary's Standards* are meant to be a guide and an overall philosophy, and a project may or may not fully meet all of the Standards, depending on its specific circumstances. Every project is examined individually in the context of the resources and its significance and review is tailored to the specific needs of the resource. The Standards

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<sup>5</sup> *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Building*, p. 1.

for Rehabilitation include the "opportunity to make possible an efficient contemporary use and rehabilitation through alterations and additions."<sup>6</sup>

Of the ten rehabilitation standards, Rehabilitation Standard #9 provides an approach to the design of new additions and exterior alterations. Rehabilitation Standard #9 states:

*"New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and environment."*

Rehabilitation Standard #9 provides only a limited definition of the term "compatible." However, the NPS illustrated guidelines for rehabilitating historic buildings provide interpretations of the *Secretary's Standards*. In recognition of the unique nature of each rehabilitation project, the guidelines are general, but focus on retention of historic character-defining features and discourage replicas of historic features for additions. The "recommended" and "not recommended" rehabilitation guidelines for new additions to historic buildings state the following:

### ***Recommended***

- *Placing functions and services required for the new use in non-character-defining interior spaces rather than constructing a new addition.*
- *Constructing a new addition so that there is the least possible loss of historic materials and so that character-defining features are not obscured, damaged, or destroyed.*
- *Designing a new addition in a manner that makes clear what is historic and what is new.*
- *Considering the design for an attached exterior addition in terms of its relationship to the historic building as well as the historic district or neighborhood. Design for the new work may be contemporary or may reference design motifs from the historic building. In either case, it should always be clearly differentiated from the historic building and be compatible in terms of mass, materials, relationships of solids to voids, and color.*
- *Placing a new addition on a non-character-defining elevation and limiting the size and scale in relationship to the historic building.*
- *Designing a rooftop addition when required for the new use, that is set back from the wall plane and as inconspicuous as possible when viewed from the street.*

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<sup>6</sup> Ibid., p. 61



**Not Recommended**

- *Expanding the size of the historic building by constructing a new addition when the new use could be met by altering non-character-defining interior space.*
- *Attaching a new addition so that the character-defining features of the historic building are obscured, damaged, or destroyed.*
- *Designing a new addition so that its size and scale in relation to the historic building are out of proportion, thus diminishing the historic character.*
- *Duplicating the exact form, material, style, and detailing of the historic building in the new addition so that the new work appears to be part of the historic building.*
- *Imitating a historic style or period of architecture in new additions, especially for contemporary uses such as drive-in banks or garages.*
- *Designing and constructing new additions that result in the diminution or loss of the historic character of the resource, including its design, materials, workmanship, location, or setting.*
- *Using the same wall plane, roof line, cornice height, materials, siding lap or window type to make additions appear to be a part of the historic building.*
- *Designing new additions such as multi-story greenhouse additions that obscure, damage, or destroy character-defining features of the historic building.*
- *Constructing additional stories so that the historic appearance of the building is radically changed.*

The following section describes the relationship of the Bridge Building to the historic character-defining features of Pier 15.

**Compatibility of the Bridge Building with Historic Resources**

In keeping with the Standards for Rehabilitation, the design of the new Bridge Building would follow the recommended guidelines for “New Additions to Historic Buildings” as provided in the Guidelines for Rehabilitating Historic Buildings. Specifically, the new Bridge Building would:

- Minimize the loss of historic fabric because it would be located on the footprint of the existing non-contributing Connector Building; remove three out of 151 contributing steel trusses (or two percent of the contributing trusses) within Pier 15 and a relatively small amount of roof deck when compared to the entire expanse of roof; use the existing building interface between Pier 15 and the Connector Building and thus would maintain the relationship between the historic and non-historic structures;



- Be designed with a contemporary architectural vocabulary that would distinguish the new construction from the historic structures, and would have compatible massing, materials, relationship of solids to voids, and color, as discussed further below;
- Maintain the current level of visibility of the street front and Bay front façades of the historic buildings;
- Place functions and services required for the new use in non-character-defining interior spaces. For example, all mechanical services would be placed in centralized units adjacent to Pier 15 or within the service core of the new Bridge Building (both of which are non-character-defining spaces) rather than being located on the rooftop as is commonly found in many other buildings;

### *Massing*

Relative to the overall architectural design and massing, the new Bridge Building would be consistent with the *Secretary's Standards*. Page 95 of the HRER states:

*Two National Park Service bulletins address new additions to mid-size historic buildings. According to Interpreting the Secretary of the Interior's Standards for Rehabilitation (ITS) #18: New Additions to Mid-Size Historic Buildings, additions are required to be compatible with the historic building yet differentiated from it, and the overall character of the property should be preserved. Further information is provided in ITS #3: New Additions to Mid-Size Historic Buildings, whereby a new addition is found to meet the Standards if: 1) it is located at the rear, or on another secondary and inconspicuous elevation; 2) its size and scale are limited and appropriate for the historic building; 3) the new addition does not obscure character-defining features; 4) the new addition is designed in such a way that clearly differentiates the new from the old; and 5) should it be removed in the future, the essential form of the historic structure would not be impaired.*

The bulletins offer case-studies and technical advice for interpreting the *Secretary's Standards*. The key concepts relayed by both bulletins are 1) retention of historic character; 2) compatible new additions/alterations; 3) reversibility of new additions/alterations; and 4) minimization of visual impacts by selecting secondary, less prominent locations. The NPS acknowledges that each rehabilitation project presents a unique scenario, and that new additions must respond to a unique set of circumstances and the subject historic setting.

Pages 95 through 97 of the HRER provide further detail on the compatibility of the new Bridge Building's massing:

*The proposed Bridge Building would be located within a smaller footprint as the non-contributing Connector Building. Currently, the end bay of the north façade of the Pier 15 Transit Shed is obscured from the Embarcadero by the existing Connector Building. In the Proposed Project, this area of the north façade would remain obscured by the new Bridge Building. . .*

*The size and the scale of the proposed new Bridge Building currently meet the height of the Pier 15 roof monitor. Generally, a new addition or structure should not be taller than the historic building, especially if the new building is sited adjacent to the building. The building scale and height appear appropriate, because the new building is the same height as the historic building's roof monitor. The building reads as even with the east portion of the east. From the east façade, the overall massing, building size and scale appear largely appropriate, because the new Bridge Building is set back from the east façade of Pier 15 and does not compete with the reading of this portion of the building. From the west façade, the overall massing of the new Bridge Building overlaps portions of the historic building, and alters the existing building's roof profile. This aspect of the design is analyzed as part of Rehabilitation Standards #2, and was found to not have a negative impact on the overall expression of the roof profile. The proposed design provides for "passive"-colored glazing along the majority of the east façade of the new Bridge Building, and for a 12-ft separation between the Bridge Building and the existing roof monitor, thus providing for a separation between the two elements. The proposed design of the new Bridge Building has been detailed in a manner that provides for a clear separation between the old and new.*

*Overall, the Bridge Building's height and bulk are within the acceptable zoning limits for the Project Site (40 ft), and the building is an improvement when compared to the existing Connector Building. The footprint of the new Bridge Building currently occupied would occupy 8,850 sq. ft., which is 57% smaller than the existing Connector Building, which occupies 15,580 sq. ft. In contrast to the existing Connector Building, measuring 143 ft long and featuring a continuous solid massing on the main public façade, the Bridge Building measures approximately 83 ft long, and provides for a 60 ft wide corridor to the Bay. Currently, the existing Connector Building obscures visual access to the Bay from the Embarcadero. The new Bridge Building design allows for a drastic improvement in the visual connectivity between the Embarcadero and the Bay, and also decreases the mass of the non-contributing elements. The Bridge Building's design incorporates elements to further reduce the overall sense of mass and bulk, including a 10-ft setback on the ground floor from the east façade, which assists in emphasizing the horizontality of the new building and in breaking the solid massing of the west wall. In addition, the Bridge Building's massing is further broken down on the north façade where the wall surface transitions into an open air slatted wall, which reveals a stair to the roof. The materiality of the Bridge Building also softens the bulk with the use of floor to ceiling vision glass. In terms of the*

*building's height, the Bridge Building's roof height is 32 ft tall, which is only 1'-5" higher than the existing peak of the Connector Building (30'-5") and 2'-2" lower than the roof of the Pier 15 roof monitor (33'-0"). Furthermore, the Bridge Building is 4'-8" lower than the east façade of Pier 15 (35'-6"), 12 ft lower than the Pier 15 Bulkhead Building (43'-10") and 13'-4" lower than the Pier 17 roof monitor (45'-2"). Overall, the Bridge Building's height is comparable or lower than the majority of the adjacent historic features. To further minimize the height, the glass parapet of the new Bridge Building is designed to purposefully be minimalist in character with almost 10 percent transparency.*

In terms of the relative heights of new and old construction, the new Bridge Building includes design motifs, such as the glass railings, which would reinforce its transparent character in manner that would allow the Bridge Building to recede visually from the street. The relatively transparent character of the Bridge Building would also be apparent when viewed from the Bay. By increasing the building's transparency, the new Bridge Building is minimizing its perceived height in relation to the existing Pier 15. Table C&R-1, below, presents the heights of the various building elements.

**TABLE C&R-1  
SUMMARY OF BUILDING HEIGHTS**

Pier 15				Connector Building	Bridge Building			Pier 17
Bulkhead	Roof Monitor	East Façade	Transit Shed Addition	Roof	Roof Deck	Glass Railing	Elevator Penthouse	Roof Monitor
43 ft, 10 in	33 ft, 0 in	35 ft, 6 in	24 ft, 2 in	30 ft, 5 in	31 ft, 10 in	35 ft, 4 in	46 ft, 10 in	45 ft, 2 in

Source: EHDD, 2009.

As depicted in Figures C&R-3 through C&R-10, pp. C&R-35 through C&R-45, the elevator penthouse on the Bridge Building roof would be set back from the building edge and would be south of the main view corridor from the courtyard. This would reduce its visibility from the street, even though the penthouse is taller than the existing Pier 15 bulkhead building and transit shed by 3 feet and 10.8 feet, respectively. Pages 95 through 97 of the HRER discuss the bulk and mass of the new Bridge Building. Furthermore, the rectilinear massing of the new Bridge Building would be consistent with the rectilinear massing of the transit shed. The new Bridge Building would not introduce new architectural forms, but would reference forms within the Historic District. For example, a curved building would not be an appropriate shape for the new Bridge Building, since the nearby buildings in the Historic District do not possess



this form. The overall scale and proportion of the new Bridge Building would be smaller than either Piers 15 or Pier 17, and would not significantly detract from the overall perception of these contributing resources.

Overall, the massing of the new Bridge Building would be considered a compatible new addition to an historic building.

#### *Materials*

The design and materials of the Bridge Building would be appropriate for a contemporary addition to the historic setting and materials found at Piers 15/17 and in the Historic District. An analysis of the compatibility of the new Bridge Building's material palette relative to historic resources present on the Project Site is included in Master Response 4, p. C&R-23.

#### *Color*

The materials proposed for the new Bridge Building, include precast concrete, glass, and steel, colored with a similar tone and hue as the materials found on the adjacent Pier 15, which is largely composed of a grayish hue concrete with clear glass windows and steel roll-up doors. The preliminary palette would be consistent with the color palette found on the existing historic resources, and the final palette would be reviewed by the historic preservation architect and the Port prior to construction.

#### *Additional Illustrations/Vantage Points*

Simulations of the Project and Expanded Project depict the Bridge Building in context with Piers 15 and 17 as viewed from Herb Caen Way and San Francisco Bay. Additional photos of existing conditions and visual simulations from these viewpoints are presented in Figures C&R-12 and C&R-13 on pp. C&R-49 and C&R-51 of this Comments and Responses document.

#### Summary

Piers 15/17 were classified as contributing resources and nominated to the National Register as part of the Historic District even though they were altered in the late 1950's by the construction of the non-contributing Connector Building. The replacement of the existing Connector Building with the new Bridge Building would not adversely affect the status of Pier 15 as a contributor to the Historic District. Pier 15 would maintain its integrity of location, feeling and association. The proposed Project would result in some impact, but substantially less than significant, to the resource's integrity of setting, design, workmanship and materials.

As discussed within the HRER, the compatibility of new Bridge Building would be achieved through its location on the site of a non-contributing addition, its size and scale that are comparable to the existing non-contributing addition, by the fact that it does not obscure the majority of the character-defining features, and its design, which is differentiated yet compatible with the historic building. If the new Bridge Building were placed anywhere else on the Project Site, it would likely cause greater impacts to the historic character of Pier 15. Alternate placement of the Bridge Building would disrupt the existing relationship between historic and non-historic elements of the resource and could result in the partial or complete loss of character defining features, which could potentially affect the resource's integrity.

The HRE Response and Page & Turnbull's HRER found that the Project and the Expanded Project would be largely consistent with Rehabilitation Standard #9 and that the Project and the Expanded Project would not affect the overall integrity of the contributory buildings on the Project Site, nor the Historic District as a whole. The Project and the Expanded Project would substantially maintain the character-defining features of Piers 15/17 and the Historic District (see HRER, pp. 56-58 for a definition of character-defining features of the buildings). Furthermore, the Project and the Expanded Project would not materially alter Pier 15 or Pier 17 in a manner that would affect the resources' listing in the National Register of Historic Places or the California Register of Historical Resources.

This conclusion is supported by the DEIR, which acknowledges that portions of the Project would not be fully consistent with the *Secretary's Standards*. These portions include the rehabilitation of the Pier and Bulkhead Wharf Substructures, the removal of the Pier 17 Pre-1929 Office Addition, and the experience of the new Bridge Building relative to the existing pier, which would interrupt the expression of the historic roof decking, roof monitor, and unobstructed sight lines. The DEIR concludes that the Project would have localized impacts on historic materials, design and spatial relationships that characterize the property; but, despite these inconsistencies, when viewed in relation to the scale of the resources (both the individual buildings and the Historic District as a whole), the Project would not cause a significant adverse impact to a historic resource, and that with implementation of Mitigation Measure M-CP-1 (Performance Criteria for the Expanded Project), the Expanded Project would not cause a significant adverse effect upon the historic resources present on the Project Site.

**Master Response 4: Refinement of Material Palette and Compatibility of Glass and Steel with Historic Resource**

This Master Response addresses Comments 4.6, 5.2, 5.4, 5.6, and 5.13.

This Master Response provides a combined response to comments stating that the use of glass and steel-frame wall materials in the Project's new Bridge Building would not be compatible with the historic buildings of Piers 15/17, and that the use of Cor-ten steel would not be compatible with the historic resource. In addition, comments requested information regarding where materials and design elements for the proposed Bridge Building are currently found within the Historic District.

The Project Sponsor no longer proposes to use Cor-ten steel for the north wall and service core of the Bridge Building. Precast concrete would replace Cor-ten steel as an exterior material. The discussion below reviews the compatibility of the materials used in the Bridge Building design with the existing Piers 15/17 and with the Historic District.

The NPS provides several technical preservation documents, one of which is the *Secretary's Standards*. The *Secretary's Standards* provide guidance for evaluation of new construction or additions within historic districts. The *Secretary's Standards* are described in detail in the HRE. The analysis and conclusions of the DEIR were based on the HRE and the HRE Response (see DEIR pp. III.D-23 through III.D-49). Master Response 3, p. C&R-14, provides additional information on the interpretation of the *Secretary's Standards*.

The Project Site is one of four sites within the Historic District (along with Piers 19-23, Piers 29-31, and Pier 48) that feature a connector building addition between two piers. The new Bridge Building would replace the existing non-historic Connector Building with a new Bridge Building the design and material palette of which would be contemporary, but intended to be compatible in terms of mass, scale, materials and transparent color. The Bridge Building would have precast concrete walls with relatively large glass openings. The design would provide transparency relative to the existing buildings at the Project Site, allowing the existing historic buildings to remain as dominant features. The glass openings would contrast with the solid character of Pier 15, while referencing historic features, such as extensive glazing in Pier 15's ribbon windows and the steel structural system.

The Project and the Expanded Project would incorporate materials distinguishing new elements from the old, compatible with materials used during the period of significance as well as recently completed rehabilitation projects within the Historic District. The precast concrete and glass material palette of the Bridge Building would reference the concrete exterior and glazing



(as seen in the ribbon windows and roof monitor) of Pier 15, while providing a contemporary design adjacent to a historic building.

The use of concrete and glass would also be consistent with material types found in the Historic District. According to the National Register nomination form, the transit sheds commonly featured concrete, steel, and glass. As described in the nomination:

*"...the majority of transit sheds have steel frames and walls of reinforced concrete. Of these, the older transit sheds may have concrete walls that were poured in place. The more recently built sheds – i.e., those from the late 1920s and the 1930s – have walls of pre-fabricated concrete panels that were lifted onto their frames by cranes" (National Register Form, p. 83).*

*"In all cases, transit shed roofs are supported by systems of trusses...In most transit sheds trusses are steel and are supported by steel I-beams." (National Register Form, pg. 84)*

*"Windows in the transit shed walls and monitors usually have steel sashes but are occasionally wood. Glass is variously wire glass and plate glass" (National Register Form, pg. 85)*

While the exterior walls of the transit sheds are not primarily characterized by steel and glass, the two materials are often historically found within the building type. The transit sheds feature glazing, as seen in the steel-framed ribbon windows and the roof monitor, as well as steel-frame structural systems, which are highly visible within the interior of Piers 15/17. The presence of steel and glass in other building in the Historic District reinforces the compatibility of these materials.

In terms of compatibility of proposed Bridge Building materials with Piers 15/17 and the Historic District, there are several examples of recently completed rehabilitation projects featuring glass-and-steel materials alongside and/or attached to contributing historic resources in the Historic District. The Port of San Francisco completed four major historic rehabilitation projects in the Historic District: Pier 1, the Ferry Building, Pier 3, and Pier 5, all of which feature contemporary additions or alterations designed with glass and steel elements. Figures C&R-1 and C&R-2, pp. C&R-26 and C&R-27 illustrate the following projects:

- **Pier 1** rehabilitation included the use of glazing and steel sash to outfit cargo openings to function as windows and person doors;



- At the **Ferry Building**, a contemporary porch was added along the entire Bayside façade of the building. This addition of steel and glass is colored similar to the adjacent brick façade, and is clearly distinguished from the historic fabric of the rest of the building;
- At **Pier 3**, an entirely new addition was constructed and attached to the existing historic bulkhead building. This new addition features a glass and steel raised clerestory with a pitched roof (similar to Pier 5), as well as repetitive bays of industrial sash windows; and
- At **Pier 5**, a contemporary glass and steel wall was attached to the entire middle bay of the bulkhead building. This glass and steel wall features a gable roof, and is clearly distinguished from the adjacent historic building.

All three projects were reviewed and approved by the SHPO and the NPS and received Federal Historic Preservation Tax Credits after review for compliance with the *Secretary's Standards*. In each instance, the materials were found to be compatible with the adjacent historic fabric because the materials were clearly distinguished from the adjacent historic fabric, yet achieved an appropriate level of compatibility with the industrial character, and did not detract from the overall integrity of the individual properties or the Historic District.

Therefore, the design and materials of the proposed Bridge Building would be appropriate for a contemporary addition to the historic setting and materials found at Piers 15/17 and in the Historic District. The Bridge Building would not have an adverse effect on Piers 15/17 as historic resources, or on the character of the Historic District; therefore, the findings of the DEIR, pp. III.D-23 through III.D-30 remain applicable.



a. View of Ferry Building Addition



b. View of Ferry Building Addition from the Bay

SOURCE: Page & Turnbull, 2009.



Addition

a. View of Pier 3 Addition



b. Detail of Pier 3 Addition



Addition

c. View of Pier 5 Addition

SOURCE: Page & Turnbull, 2009.

THE EXPLORATORIUM RELOCATION PROJECT  
**FIGURE C&R 2: COMPARABLE DESIGNS ALONG THE SAN FRANCISCO WATERFRONT**



## 1. GENERAL COMMENTS

### *Comments on the Merits of the Project and Expanded Project*

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#### Comment 1.1

Good afternoon, Commissioners, my name is Ernestine Weiss and I have been involved with this Exploratorium move from the get-go, and I'm very excited about this. It will make such a difference in the waterfront. We are really fortunate to have them come here, because we need that, really.

The piers — I don't have to tell you what shape they're in. This is a welcome addition to the waterfront; just another jewel in the necklace, and I'm so proud. I liked what I saw from the beginning.

They are very anxious to cooperate and smooth everything out, and I am sure they will because, knowing their reputation, I have every confidence in them. So let's go ahead with it, and I would like to see that happen as soon as possible. (*Ernest Weiss, March 5, 2009*)

And I have actually seen the drawings for the building of Pier 15, and I think the building looks very good, I think it meets all the objections that I have heard about and certainly will be an addition to the city. I urge you to lend your support to this project. Thanks. (*Bob Middlestar, March 5, 2009*)

Good afternoon, Commissioners. I'm Peter Winkelstein, and I'm here to represent SPUR, San Francisco Planning and Urban Research Association.

This project has come before our committee that reviews projects, and I'm a member of that committee, so we are very familiar with the proposal, and we are very supportive of the project.

I understand that there's some concerns about the connector building being changed to a conservatory building, and we looked at that and felt that it did not have any negative impacts on the area, on the neighborhood. And particularly there were concerns about material, which you have already heard have been changed.

There is also concerns about the elevator shaft, which has now been moved out of the view corridor. So we feel that we don't see any negative impacts, based on the current design. So we feel it's a good project and support that. Thank you very much. (*Peter Winkelstein, March 5, 2009*)

But I don't have an issue with how they designed Pier 15 out there. In some ways I like it. And we have been criticized by the Mayor for not thinking outside the box in architecture. Maybe this will fit in.

I haven't seen design. The EIR does not talk about the design itself, nor should it.

Regarding other areas, the EIR is very consistent legally with all the other EIRs. I have taken the opportunity to look at other EIRs. As a matter of fact, I think we have looked at a lot more detail, maybe because you are in the Bay Area, because you need to do that.

Otherwise, I don't see, on my personal view, how this issue comes at all with the draft EIR. (*Commissioner Lee, March 5, 2009*)

### **Response 1.1**

The commentors express support for the Project. These comments concern the merits of the Project and do not concern the adequacy of the DEIR. Accordingly, no further response is necessary.

### **Comment 1.2**

Regarding the other issues — noise, air, and biological issues -- the noise and air, you're going to have it anyway. But my sense is it's more of an EPA. There are mitigation issues required by OSHA. (*Commissioner Lee, March 5, 2009*)

### **Response 1.2**

The commentor notes noise, air, and biological issues associated with the Project. The air, noise, and biological impacts identified on pp III.E-5, III.G-18, and III.H-24 of the DEIR would all be mitigated to less-than-significant levels with implementation of Mitigation Measures M-NO-1, M-AQ-1, M-BI-1, and M-BI-2.

### **Comment 1.3**

Why does the mechanical apparatus room need to be in the Bridge Building, thereby forcing the building to be even larger and extend further north into the view corridor between the piers? (*Vedica Puri, Telegraph Hill Dwellers, March 5, 2009*)

We're also concerned, about the height and bulk of the bridge building. We wanted to understand why the mechanical apparatus room needs to be in the bridge building, causing it to extend further north, into the view corridor between the piers. (*Andy Katz, March 5, 2009*)

### **Response 1.3**

The commentors question the proposed location of the mechanical apparatus room in the design of the Bridge Building. The northern portion of the Bridge Building, which the commentors refer to as the "mechanical apparatus room," houses the secondary egress stair, a service elevator, and a kitchen and service area for the café and event

space. Even with this space, the Project would create a new 60-foot wide view corridor to the Bay where one does not exist today. Building and fire codes require stairways and dictate their locations. In addition, the kitchen and service elevator need to be in proximity to Pier 17, which is the access point for catering trucks. Relocation of the service core would not decrease the length of the Bridge Building because it would require trading for equal space elsewhere to maintain program area. If the service core were relocated without being traded for equal space, the program space would be reduced.

### **CEQA Process**

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#### **Comment 1.4**

Impacts to Piers 15 and 17 must be considered as a single project under CEQA.

Although the DEIR describes the project as being comprised of both Pier 15 and Pier 17, it fails to consider the changes to these historic resources as a single project as required under CEQA. The possible expansion of the Exploratorium into Pier 17 is identified as the "Expanded Project" in the DEIR, but the document contains no specific plans for the resulting modifications to Pier 17, the third oldest Pier on the San Francisco Waterfront. As stated in the DEIR at page III.D-32, the project description for Pier 17 is currently at the conceptual level and "does not provide the level of detail necessary to determine whether the Expanded Project is or is not consistent with the *Secretary's Standards*. Because the proposed improvements that comprise the future Expanded Project at Pier 17 remain conceptual and additional information is required to support a determination as to their consistency with the *Secretary's Standards*, these improvements have the potential to impact Pier 17 and character defining features."

Both Piers must be considered as a single project for purposes of CEQA. Otherwise, it is not possible for the public or decision-makers to properly analyze the impacts of the project in making the decision on whether to approve the project. The intended future uses and detailed plans for the inclusion of Pier 17 must be included and studied in the EIR.

Without considering the impacts of potential changes to Pier 17, the project is being piecemealed in conflict with the requirements of CEQA. As described further below, the DEIR's deferral of consideration of the whole project's potentially significant impacts to a future date is in violation of CEQA and does not properly mitigate such impacts. (*Vedica Puri, Telegraph Hill Dwellers, March 5, 2009*)

And I also, as the last speaker commented on, have a great deal of problem in my mind when we deal with an environmental impact report on something that may not even come to fruition for 15 years or more. And that is Pier 17.



That may be a lot longer in the future than anyone presumes. And I have seen situations in the past where portions have been taken care of on something that has gone through an environmental impact report; other portions were held in abeyance for a number of reasons, and many years down the line, when they came up, circumstances had totally changed, and the cumulative effects of what had happened in the interim around that particular location were totally different than they had been at the time of the environmental impact report.

And that can primarily have to do with transportation, but perhaps many other things. So I have a problem with the Pier 17 situation in there when I have no concept whatsoever, nor do I think others do, as to when that may come into play. (*President Miguel, March 5, 2009*)

I'm sure this has been analyzed already in terms of Pier 17, and why it's included, and the level to which the analysis has taken place. I'm a little uncomfortable with it, but on the other hand, I would think if the development of 17 is way down the road, there will be another kind of tiered environmental report, or something of that nature, I would expect...*Viktoriya Wise – Especially if circumstances have changed surrounding the projects...Exactly. (Commissioner Sugaya, March 5, 2009)*

#### **Response 1.4**

The commentors believe the DEIR lacks information and did not sufficiently analyze the impacts to Pier 17 that would result from the Expanded Project. The commentors also assert that the impacts to potential changes at Pier 17 under the Expanded Project should be included in the EIR for it not to be considered piece-mealing. These comments are addressed in Master Response 1, p. C&R-5, which explains the level of information currently available for the Expanded Project, and why the DEIR provides adequate information for conclusions on the environmental effects of the Expanded Project.

The commentors also express concern that environmental conditions may change by the time the Expanded Project is implemented and the cumulative effects may be different than what was evaluated in the DEIR. The DEIR was prepared in accordance with Section 15161 of the *CEQA Guidelines*, which states that a project EIR “shall examine all phases of the project including planning, construction, and operation.” Analysis and conclusions are presented in the DEIR at an equal level for all phases of the Project and Expanded Project. As noted in Master Response 1, p. C&R-5, the Exploratorium would lease Pier 17 at the outset of the lease term, and has developed substantial information

about the Expanded Project. The Expanded Project is therefore a "reasonably foreseeable" project.

Master Response 1, p. C&R-5 describes the process included in Mitigation Measure M-CP-1 that the Project Sponsor would be required to follow in order to construct the Expanded Project. Mitigation Measure M-CP-1 requires the final design of the Expanded Project to conform to detailed performance criteria and creates a future evaluation and enforcement mechanism. In addition, Mitigation Measure M-CP-1 requires that, prior to implementing the Expanded Project and upon completion of project design, the Project Sponsor must submit additional design information to multiple responsible agencies for subsequent review and approval.

As part of the subsequent review required by Mitigation Measure M-CP-1, and prior to issuing any approvals, the Port would be required to comply with CEQA Section 21166, Subsequent or Supplemental Environmental Impact Reports. The Port could not rely on the FEIR alone without supplemental analysis if: (1) Substantial changes are proposed in the project which will require major revisions of the environmental impact report; (2) Substantial changes occur with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report; or (3) New information, which was not known and could not have been known at the time the environmental impact report was certified as complete, becomes available.

If, for example, at the time that the Project Sponsor was to request approval to proceed with the Expanded Project, there were changes in transportation patterns or volumes that might impact the accuracy of the prior analysis, then additional analysis would need to be conducted in this subject matter area, and based on that analysis, subsequent environmental review might be required per *CEQA Guidelines* Section 15162.

## 2. PROJECT DESCRIPTION

### Comment 2.1

The proposed new Bridge Building is not adequately depicted nor fully described in the DEIR. The Draft EIR fails to adequately describe and depict the proposed new Bridge Building. There are no detailed drawings of this proposed new structure in the DEIR clearly showing the materials, architectural details or scaled height measurements in comparison to the existing historic sheds. The elevations are so pale as to not be readable (Figure 5) or they specifically state that the elevations are “not to scale” (Figure II-15). The photomontages contained at III.C-15 do not adequately show the proposed new Bridge Building and, because of the wide-angle lenses used for the basic image, these images are misleading and not at all informative. This appears to be a serious inadequacy of the DEIR. Without separate detailed presentations, there is no way the public or decision-makers could understand the potential impacts that the design of this building could have on historic resources and the aesthetics of our Waterfront. (*Vedica Puri, Telegraph Hill Dwellers, February 25, 2009*)

For the proposed new bridge building, there are no detailed drawings in the DEIR which clearly show the architectural detail or scaled height measurements in comparison to proposed sheds. (*Andy Katz, March 5, 2009*)

Just to comment, I think the DEIR itself is woefully inadequate in terms of its graphics. How we can make a conclusion that the connector building is sort of okay and arrive at some mitigation measures, at least on what's on the published document, I don't see how we can reach those conclusions. And perhaps some better graphics would assist the public in doing so. (*Commissioner Sugaya, March 5, 2009*)

### Response 2.1

The commentors believe that the DEIR does not contain adequate graphics that accurately depict components of the Project and Expanded Project. The Project Description graphics have been revised to present details of the Project and Expanded Project more clearly. Additional graphics have also been included to illustrate the floor plans and building elevations for the Project and Expanded Project. The revised Project Description graphics are presented in Figures C&R-3 through C&R-10 on pp. C&R-35 through C&R-45 of this Comments and Responses document. These Figures will replace Figure II-3 through II-5 of the DEIR. Additional simulations of the Project and Expanded Project have been prepared to depict the Bridge Building as viewed from Herb Caen Way and the San Francisco Bay. Figure C&R-11, p. C&R-47 illustrates the locations of the new viewpoints and replaces Figure III.C-1, p. III.C-4 of the DEIR.



Visual simulations from these new viewpoints are presented in Figures C&R-12 and C&R-13 on pp. C&R-49 and C&R-51 of this Comments and Responses document. The new simulations will be added to the DEIR as Figures III.C-7 and III.C-8 and will be inserted after Figure III.C-6, p. III.C-16.

The Project and Expanded Project would change views of the site from Herb Caen Way and the San Francisco Bay. Text will be added to the DEIR to describe views of the Project and Expanded Project from the new viewpoints. Page III.C-21 of the DEIR, will be modified to add the following paragraphs after paragraph 3:

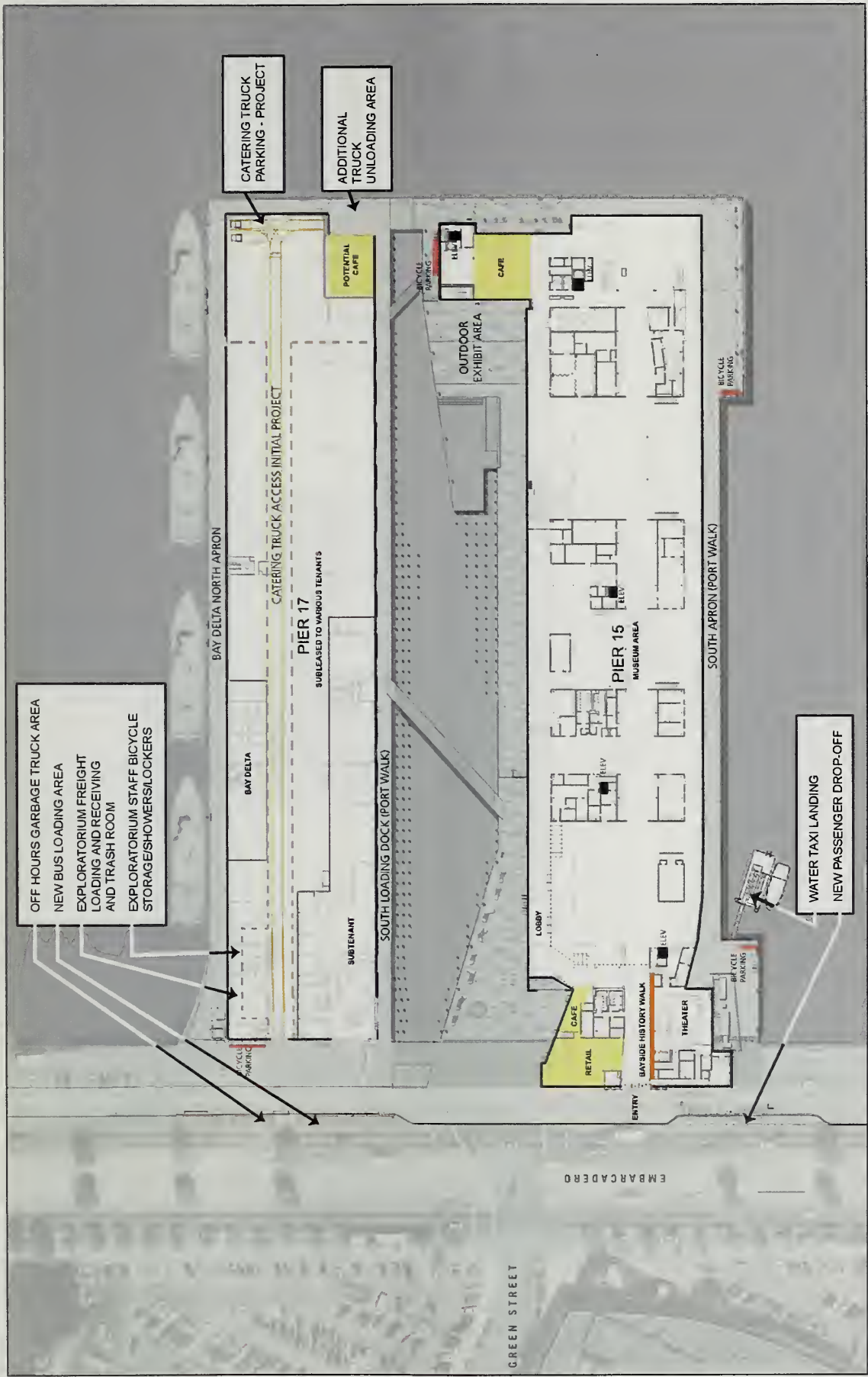
#### View east from Herb Caen Way

Figure III.C-7, illustrates the view of the Project Site from Herb Caen Way adjacent to the Project Site. The most prominent change in this view resulting from the Project would be the replacement of the existing Connector Building with the new Bridge Building and removal of a substantial portion of the Valley with the associated improvements. The Project opens up a new view corridor between the new Bridge Building and Pier 17. The view corridor would be 60-feet-wide, providing a view of the Bay and the East Bay Hills. Improvements to the Pier 15 Shed structure would also be visible. The photovoltaic panels on the roof of the Pier 15 Shed would not be visible.

Under the Expanded Project, the most prominent change in views would be the rehabilitation of the Pier 17 Shed structure and the portion of Pier 17's west façade that would be cut back. The photovoltaic panels on the roof of the Pier 17 Shed would be partially visible.

#### View west from San Francisco Bay

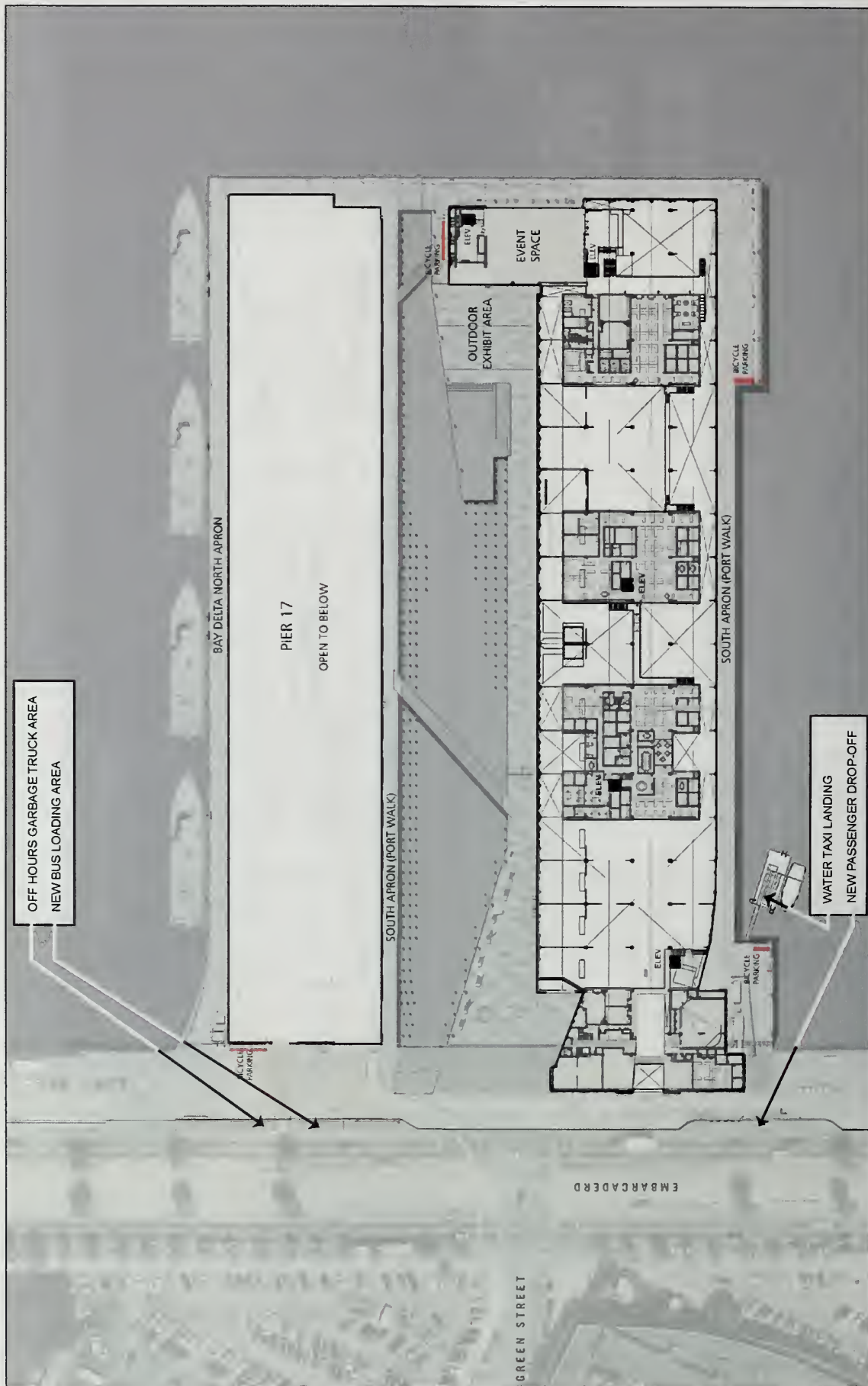
Figure III.C-8, illustrates the view of the Project Site from a location on the San Francisco Bay to the northeast of the Project Site. The most prominent change in this view resulting from the Project would be the replacement of the existing Connector Building with the new Bridge Building. The north and east façades of the Bridge Building would be fully visible. Improvements to the east and north façades of the Pier 15 Shed also would be visible, along with improvements to the east aprons of Piers 15 and 17. Several structures along the east edge of the Financial District would also be more visible.



SOURCE: EHDD, 2009

THE EXPLORATORIUM RELOCATION PROJECT  
**FIGURE C&R 3: PROJECT SITE PLAN GROUND FLOOR**

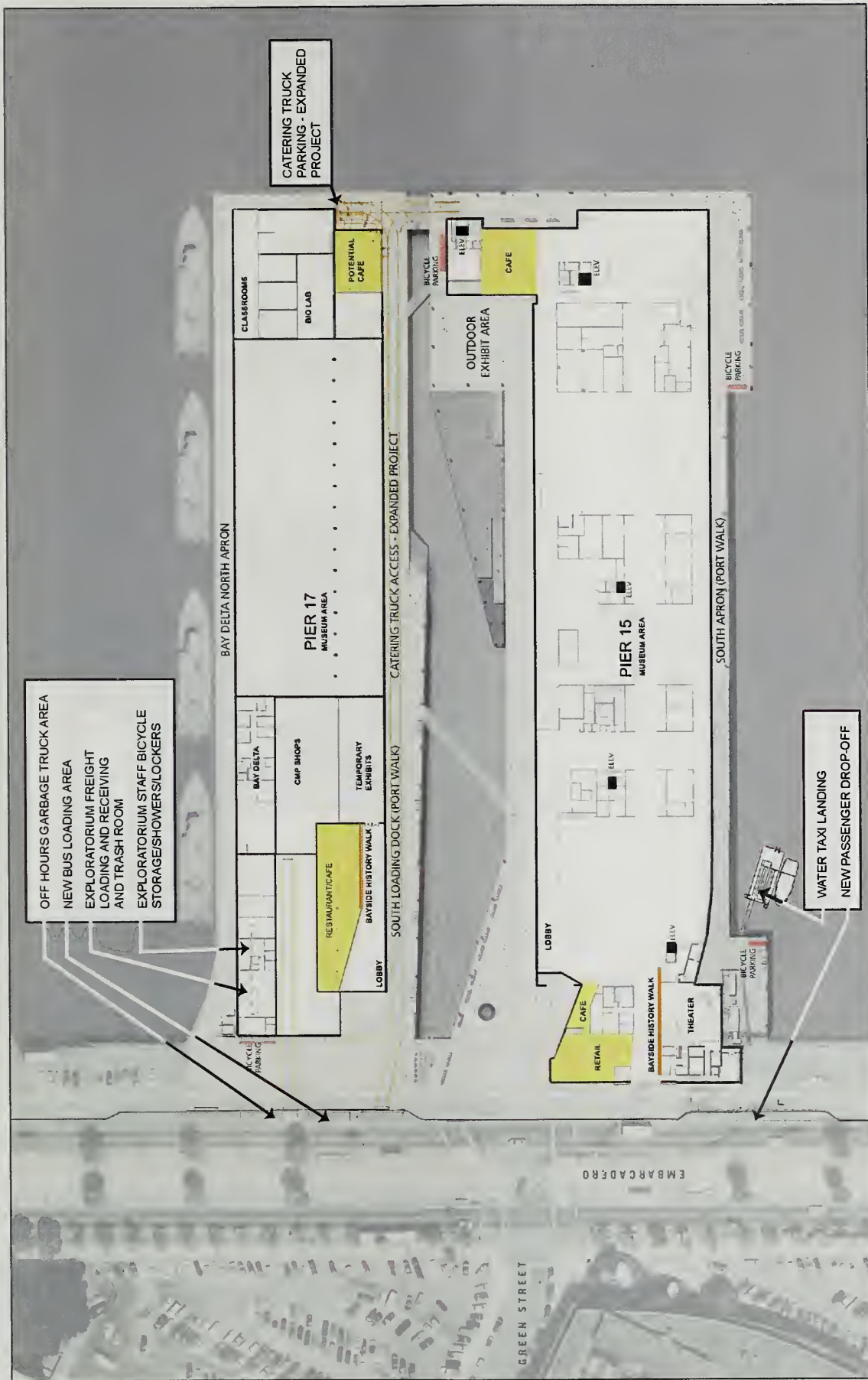




THE EXPLORATORIUM RELOCATION PROJECT  
**FIGURE C&R 4: PROJECT SITE PLAN SECOND FLOOR**

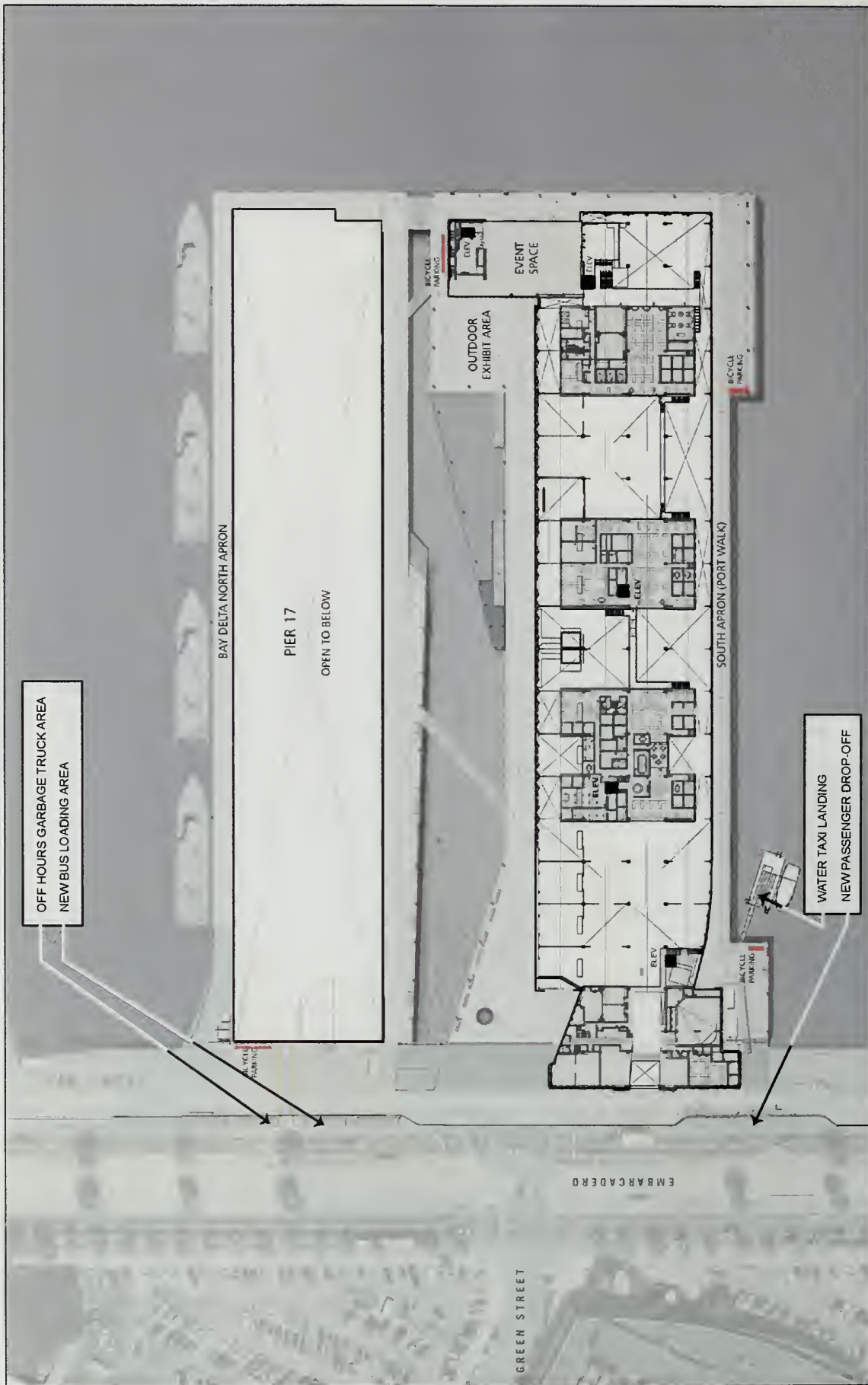
SOURCE: EHDD, 2009





SOURCE: EHDD, 2009.

THE EXPLORATORIUM RELOCATION PROJECT  
FIGURE C&R 5: EXPANDED PROJECT SITE PLAN GROUND FLOOR



SOURCE: EHDD, 2009.

THE EXPLORATORIUM RELOCATION PROJECT  
FIGURE C&R 6: EXPANDED PROJECT SITE PLAN SECOND FLOOR

35'-6"  
EAST FACADE  
33'-0"  
T.O. MONITOR



PIER 17

PIERS 15 AND 17 EAST ELEVATION - PROJECT

45'-2"  
T.O. MONITOR



PIER 17

PIER 15

PIERS 15 AND 17 WEST ELEVATION - PROJECT

43'-10"  
T.O. BULKHEAD PIER 15

EXTERIOR METAL SLAT WALL  
TO SCREEN STAIR BEYOND

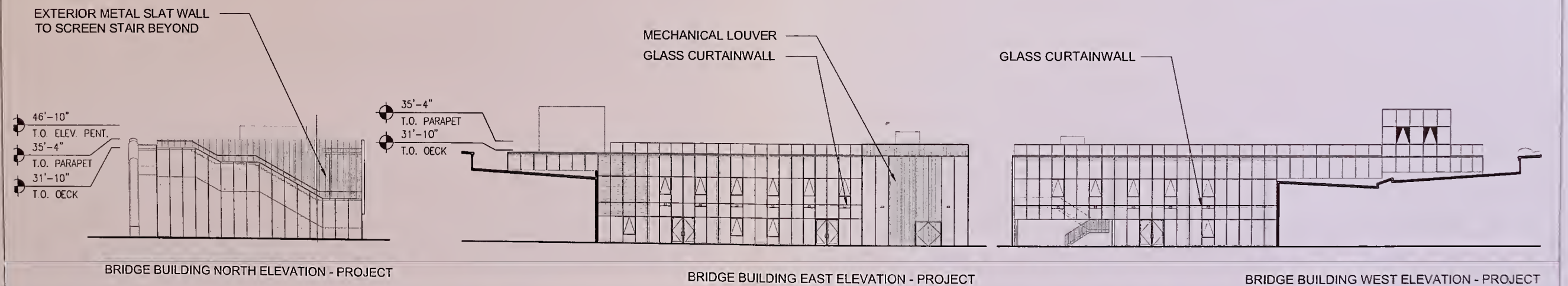
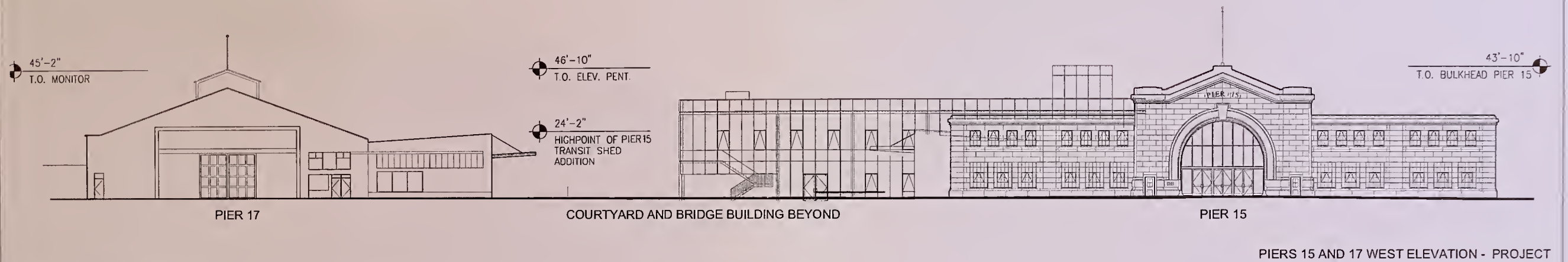
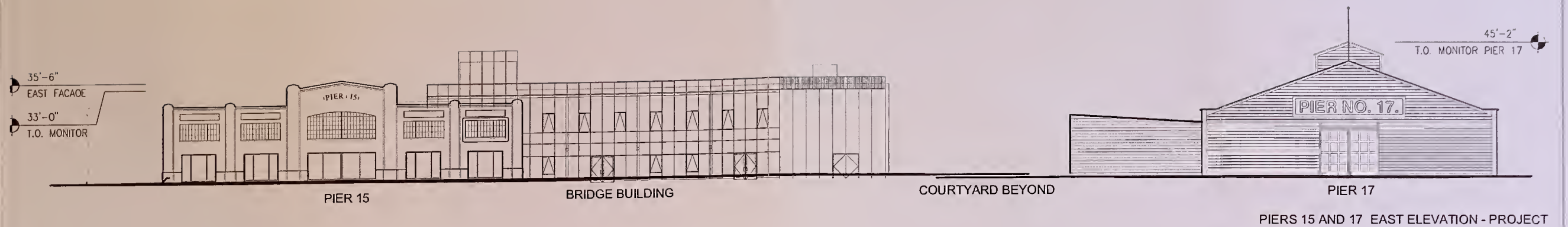
46'-10"  
T.O. ELEV. PENT.  
35'-4"  
T.O. PARAPET  
31'-10"  
T.O. DECK



BRIDGE BUILDING NORTH ELEVATION

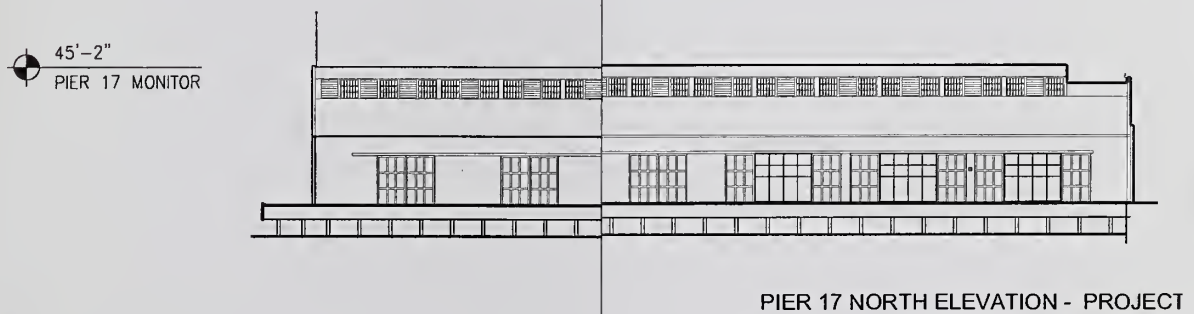
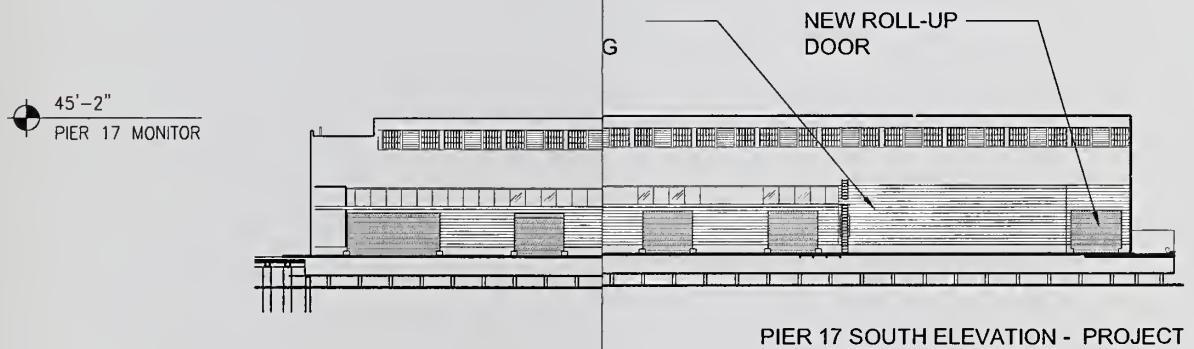
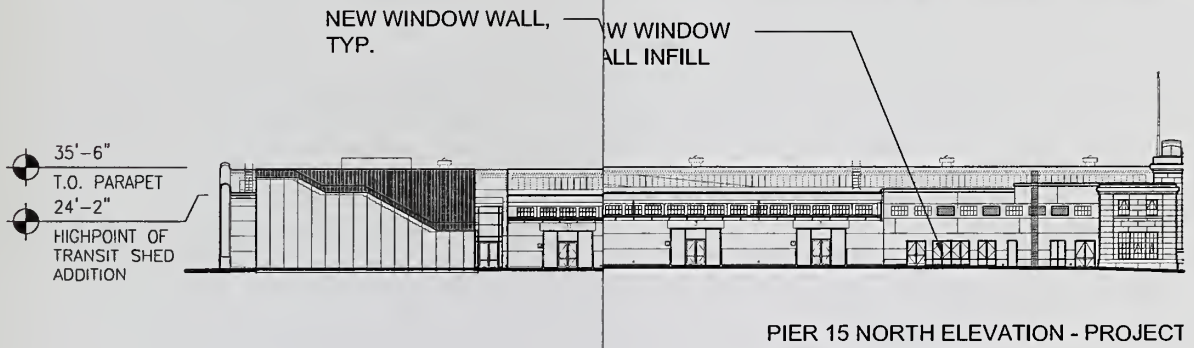
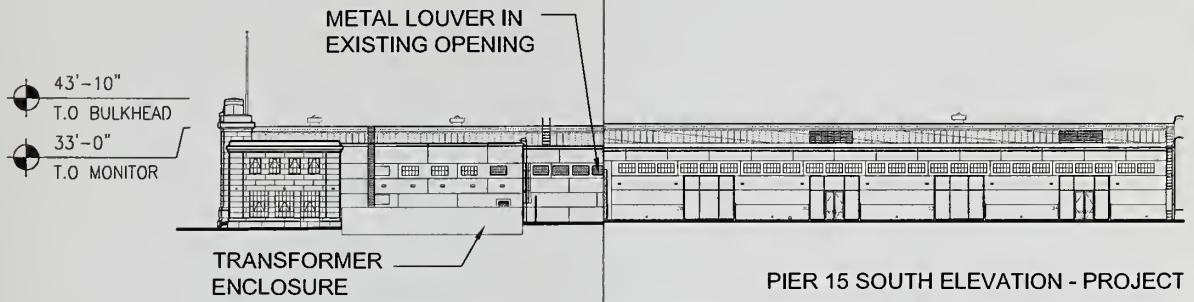
BRIDGE BUILDING WEST ELEVATION - PROJECT



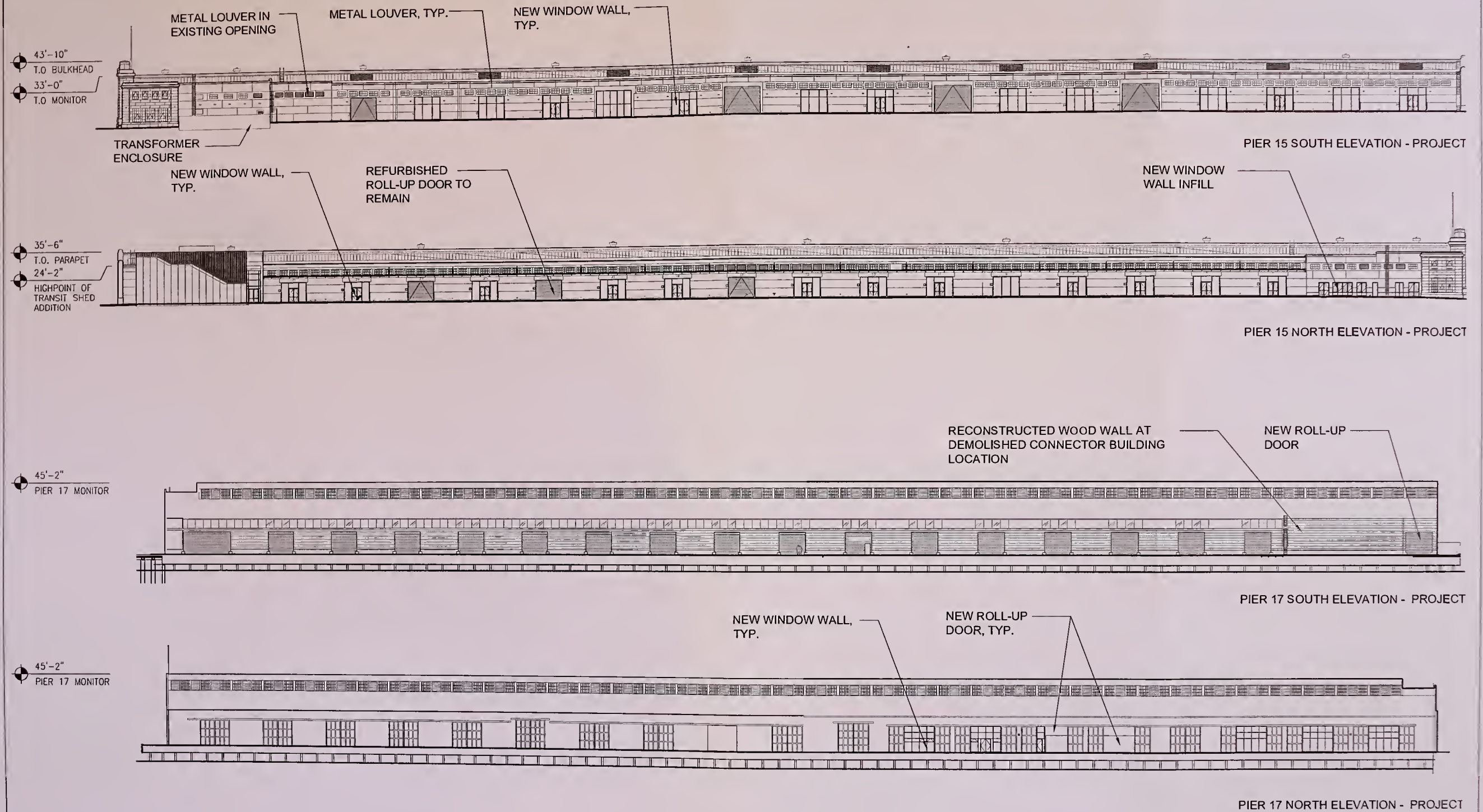


SOURCE: EHL, 2000

THE EXPLORATORIUM RELOCATION PROJECT  
FIGURE C&R 7: PROJECT - EAST AND WEST ELEVATIONS







SOURCE: EHDD, 2009.

THE EXPLORATORIUM RELOCATION PROJECT  
FIGURE C&R 8: PROJECT - NORTH AND SOUTH ELEVATIONS



35'-6"  
EAST FACADE  
33'-0"  
T.O. MONITOR



PIER 17

S 15 AND 17 EAST ELEVATION - EXPANDED PROJECT

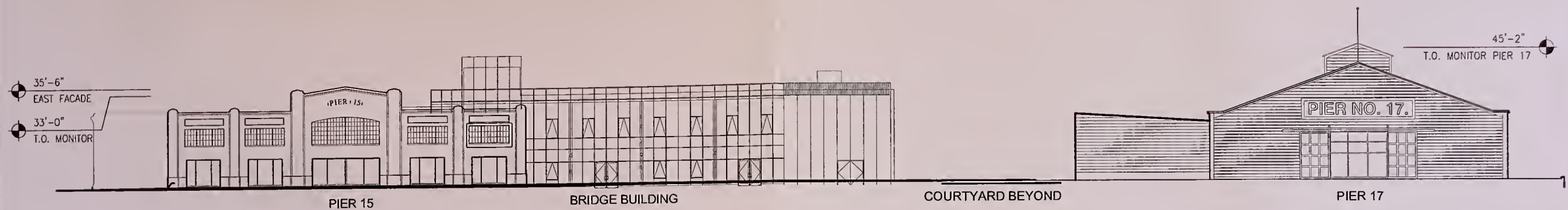
45'-2"  
T.O. MONITOR



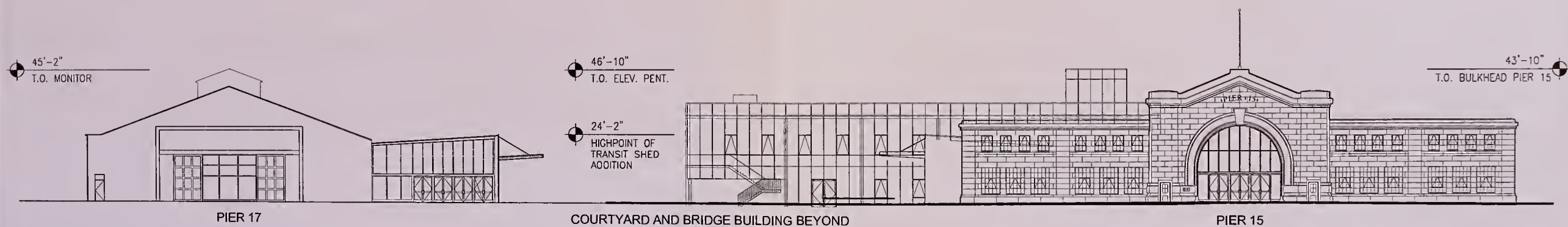
PIER 17

15

S 15 AND 17 WEST ELEVATION - EXPANDED PROJECT



PIERS 15 AND 17 EAST ELEVATION - EXPANDED PROJECT



PIERS 15 AND 17 WEST ELEVATION - EXPANDED PROJECT

SOURCE: EHDD, 2009.

THE EXPLORATORIUM RELOCATION PROJECT  
FIGURE C&R 9: EXPANDED PROJECT - EAST AND WEST ELEVATIONS

43'-10"  
T.O. BULKHEAD  
33'-0"  
T.O. MONITOR

METAL LOUVER IN  
EXISTING OPENING

TRANSFORMER  
ENCLOSURE

NEW WINDOW WALL,  
TYP.

PIER 15 SOUTH ELEVATION - EXPANDED PROJECT

NEW WINDOW  
WALL INFILL

35'-6"  
T.O. PARAPET  
24'-2"  
HIGHPOINT OF  
TRANSIT SHED  
ADDITION

PIER 15 NORTH ELEVATION - EXPANDED PROJECT

45'-2"  
PIER 17 MONITOR

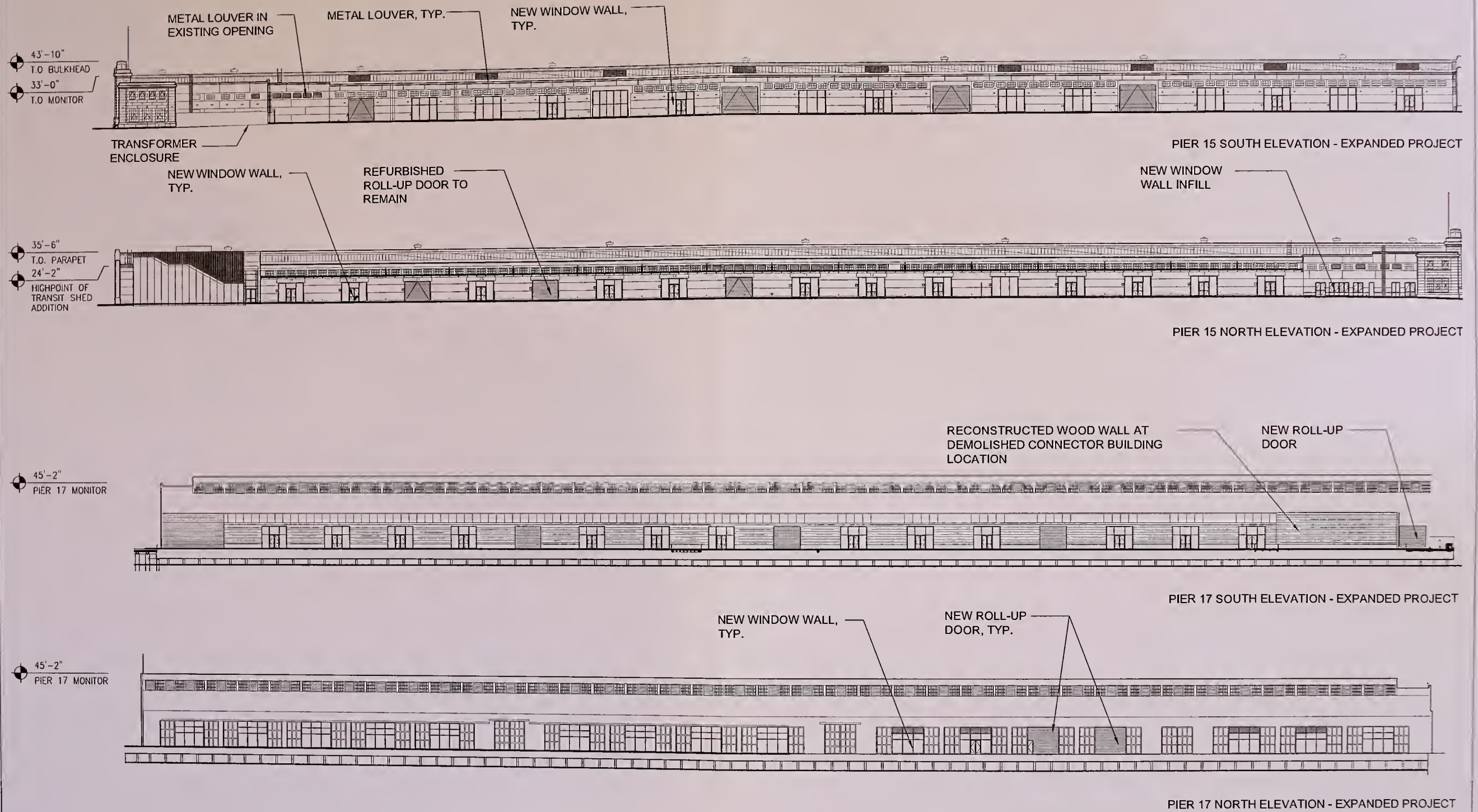
NEW ROLL-UP  
DOOR

PIER 17 SOUTH ELEVATION - EXPANDED PROJECT

45'-2"  
PIER 17 MONITOR

PIER 17 NORTH ELEVATION - EXPANDED PROJECT

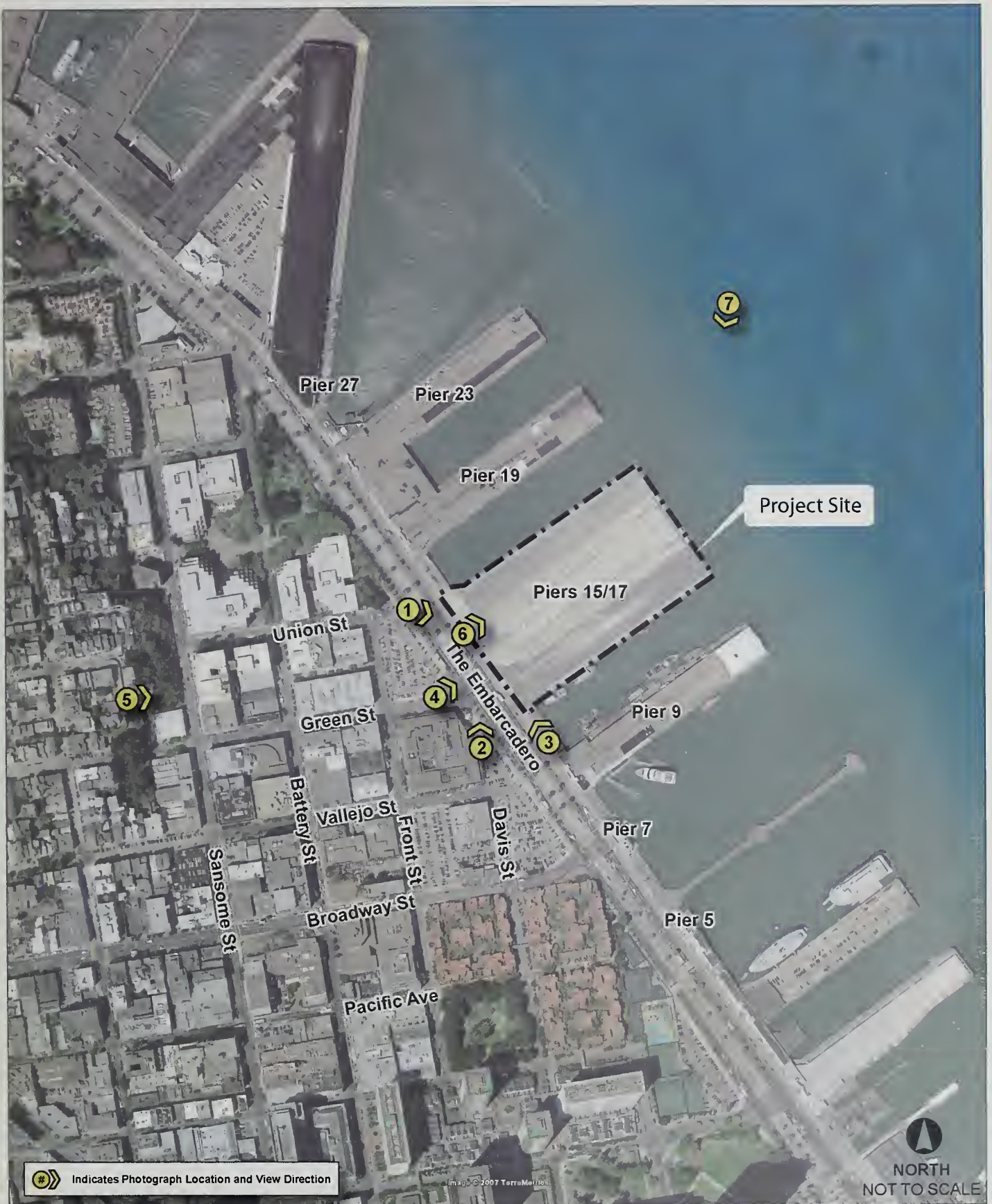




SOURCE: EHDD, 2009.

THE EXPLORATORIUM RELOCATION PROJECT  
FIGURE C&R 10: EXPANDED PROJECT - NORTH AND SOUTH ELEVATIONS



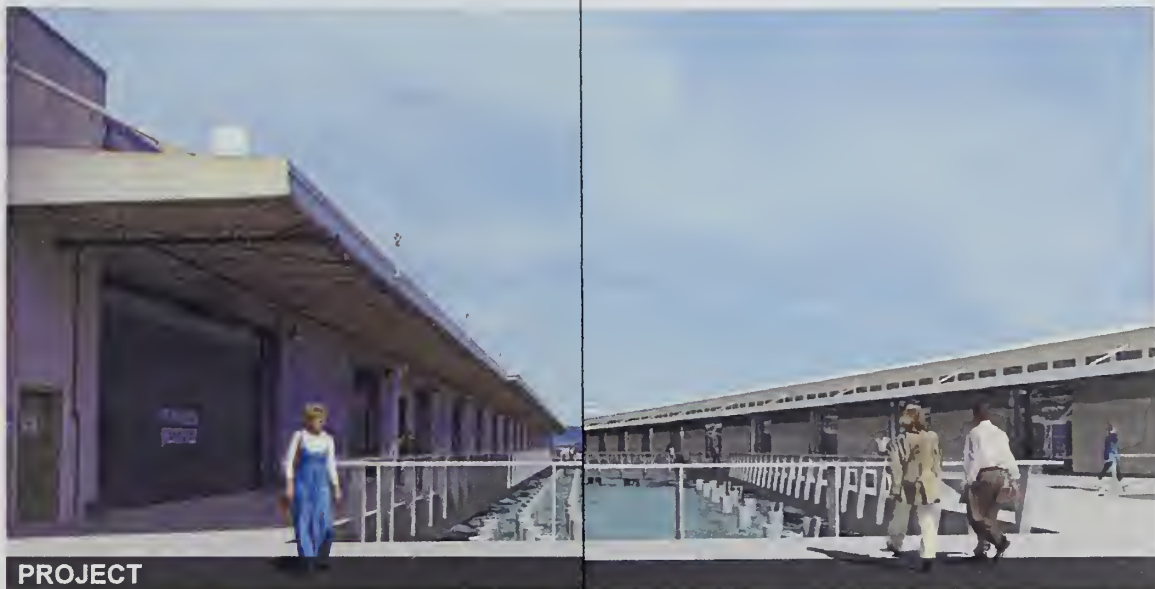


SOURCE: Google Earth, 2007; PBS&J 2009

THE EXPLORIUM RELOCATION PROJECT  
FIGURE C&R 11 (REVISED FIGURE III.C-1): VIEWPOINT LOCATIONS

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EXISTING



PROJECT



EXPANDED PROJECT

SOURCE: Square One Productions, 2009.

THE EXPLORATORIUM RELOCATION PROJECT  
FIGURE C&R 12 (NEW DEIR FIGURE III.C-7): VIEWPOINT 6 - VIEW EAST FROM HERB CAEN WAY



**PROJECT**





EXISTING



PROJECT



EXPANDED PROJECT

SOURCE: Square One Productions, 2009

THE EXPLORATORIUM RELOCATION PROJECT  
FIGURE C&R 13 (NEW DEIR FIGURE III.C-8): VIEWPOINT 7 - VIEW WEST FROM SAN FRANCISCO BAY

Under the Expanded Project, the most prominent change in views would be the rehabilitation of the north, south and east façades of the Pier 17 Shed structure, as well as improvements to the south loading dock of Pier 17.

The Project and Expanded Project as viewed from these locations would change the character of the Project Site; however, the existing visual quality of the Project Site and vicinity would not be degraded. Therefore, inclusion of the new simulations does not change any conclusion reached in the DEIR.

The note "not to scale" is a standard architectural term to alert the viewer that a physical architectural ruler (or scale) may not be used to measure building dimensions. However, the figures are accurately depicted relative to other elements within the drawing. The additional and revised graphics have clearer elevation marks depicting heights.

A wide-angle lens was not used to take the base photos. A 50 mm lens was used, which most closely mimics the experience of the human eye. Two photos are then spliced together to create a panoramic shot. This is standard practice to provide a photosimulation of the Project Site within a larger context.

### **Comment 2.3**

What objectives would be fulfilled by the observation deck? How often will it be utilized? Will it be open to the public or as a space to entertain donors? (*Vedica Puri, Telegraph Hill Dwellers, March 5, 2009*)

### **Response 2.3**

The commentor requests details on the proposed observation deck. As stated on p. II-3 of the DEIR, the rooftop observation deck would provide a location adjacent to the Bay to support education about the science of the Bay and its natural conditions. The roof would be available at all times to ticketed visitors during standard museum hours. At other times, it could be used as part of special events. The observation deck is envisioned to be a continuation of the exhibit experience within Pier 15, providing specialized learning to take advantage of the views to the City, the Bay, and the access to

wind and sun. The Project Sponsor is currently in discussions with BCDC staff to identify selected hours and procedures for access to the observation deck by the public and visitors.

#### **Comment 2.4**

The project is proposing two cafes in Pier 15 – a small take out cafe at the front end Embarcadero side that would be essentially walk through and a larger cafe that would occupy the ground floor of the connector building. What are the seating capacities of the two proposed cafes? Are two cafes actually necessary? Perhaps the proposed connector building could be reduced in height and mass if the second café was eliminated, particularly since a third café is anticipated to be included later within Pier 17. Why are 3 restaurants/cafes (a total of 17, 000 sq feet) necessary for the project? (*Vedica Puri, Telegraph Hill Dwellers, March 5, 2009*)

Also, there's the potential for three restaurants and cafes totaling 17,000 square feet within Piers 15 and 17, which could be consolidated and located so as to reduce the mass and the height of the bridge building. (*Andy Katz, March 5, 2009*)

#### **Response 2.4**

The commentators question whether the two proposed cafes (three with the Expanded Project) are necessary for the Project, and whether they could be modified or eliminated. The Project Sponsor believes that the overall café capacity would be necessary to adequately serve all ticketed and non-ticketed visitors. To provide a waterfront amenity and draw additional visitors to the waterfront and the Project Site, the cafes would be accessible to the non-ticketed public. As illustrated in Figures C&R-3 through C&R-6, pp. C&R-35 and C&R-38, the cafes would be separated by nearly 800 feet of pier and would allow options for museum visitors as well as convenient proximity to the museum space.

The Pier 17 café would be part of the Expanded Project and would be intended to provide food services associated with that future build out and seismic upgrade of that pier.

#### **Comment 2.5**

We note that the Historic Preservation Commission (HPC) is not included in the list of required regulatory review of this project. No mention is made of the requirement for HPC review and



approval of this project. Please explain the reason for this oversight. (*Vedica Puri, Telegraph Hill Dwellers, March 5, 2009*)

**Response 2.5**

The commentor requests an explanation of why the Historic Preservation Commission (HPC) was not listed in the Project Description as an approval body with required regulatory review. The HPC was not listed in DEIR Table II-8, Project Approvals, p. II-30 because the HPC has no jurisdiction over the Project and Expanded Project beyond commenting on the DEIR.

The HPC held a hearing on the DEIR on February 18, 2009, during which members of the HPC as well as the general public offered comments on the historic resource analysis presented in the DEIR. The HPC submitted an official comment letter on the DEIR, which is incorporated and addressed herein (see comments 5.3 and 5.10, p. C&R-74 and C&R-83).

**Comment 2.6**

Exactly how many square feet of the total of 98,350 square feet of the valley between Piers 15 and 17 will be returned to open water? What percentage of the opening between the Piers will be blocked by the Bridge Building? We urge consideration in the final EIR of an alternative project that would decrease the percentage of proposed new physical structures and obstructions within the valley between the two piers. (*Vedica Puri, Telegraph Hill Dwellers, March 5, 2009*)

**Response 2.6**

The commentor requests more information on how much of the Valley would be removed by the Project and what percentage of the opening between Piers 15/17 would be blocked by the Bridge Building. The DEIR describes these two elements of the Project in Chapter II, Project Description, p. II-14. The Bridge Building would extend approximately 83 feet north from Pier 15 and a 60-foot-wide corridor would remain open between the Bridge Building and Pier 17. The total distance between Piers 15 and 17 is approximately 143 feet and the Bridge Building would cover approximately 58 percent of this distance. Page II-17 of the DEIR states that the approximately 35,000 gsf

of the 98,350-gsf paved asphalt Valley decking would be removed to expose the Bay thus, about 36 percent of the Valley would be returned to open water.

The commentor also requests that an alternative be evaluated that decreases the percentage of new physical structures and obstructions within the Valley and between the piers. Alternative B, the Plan Consistent/Reduced Program Alternative was evaluated in the DEIR on p. V-5. This alternative did not include any connection over the Bay between Piers 15 and 17 because the entire Valley would be demolished. Under this alternative, the Connector Building would be completely removed and no new Bridge Building would be constructed in its place. In addition, the non-historic shed additions (added to the Piers 15/17 sheds in the 1950s) would also be removed. Therefore, the DEIR did consider an alternative that would have no new structures within the Valley.

**Comment 2.7**

One of the reasons the THD had been excited and supportive of this project from the beginning was because the Exploratorium was going to remove the valley floor in its entirety – quite literally connecting residents to their waterfront. (*Vedica Puri, Telegraph Hill Dwellers, March 5, 2009*)

**Response 2.7**

The commentor suggests that initial support from the Telegraph Hill Dwellers for the Project was partially based on the idea that the Valley would be entirely removed. The Project Sponsor indicates that it has never presented a plan with removal of the Valley in its entirety. While the Project and Expanded Project would not result in removal of the entire Valley, it would in fact, provide more public access to the water than exists today.

**Comment 2.8**

Bay Fill. The EIR should include more information on the physical structure of the proposed water taxi landing along the south apron of Pier 15 and more specifically, the size and amount of fill (floating, pile-supported, or solid) that is required to construct the landing. (*Ming Yeung, BCDC, March 16, 2009*)

**Response 2.8**

The commentor requests more information on the proposed water taxi landing structure. A description of the water taxi landing is provided on p. II-21 of the DEIR, with additional detail provided below.

The Pier 15 boat landing would provide a facility for passenger boats, including a water taxi service, as well as a potential landing for recreational boating use. The dock and access ramps have not been designed yet, but the initial concept is that the facility would be positioned at an angle to the Pier 15 apron to provide mooring on both sides while maximizing the open water and approaches. The access ramps would comply with ADA guidelines of a 12:1 (Horizontal:Vertical) slope, making the facility compliant with the Americans with Disabilities Act during 95 percent of the tidal range. The ramp dimensions are estimated at 80 feet long and 5 feet wide. A portion of the ramp length would overlay the dock, to minimize the span over open water. The dock would be constructed of concrete-encapsulated polystyrene. The final dimensions of the dock would be confirmed by the Port at a later date but is anticipated that the outer dimensions would range from 75 feet to 125 feet in length and 20 feet to 25 feet in width. The dock freeboard (deck height above the water line) would range from 18 inches to 28 inches, similar to the water taxi landing at Pier 1½. The dock would be positioned by collars around a group (minimum of four) of 24-inch diameter steel guide piles driven into the Bay floor using best management practices. The height of the piles above the high water range of the dock would be limited to what the design engineers determine is the minimal safe height. Suitable anti-corrosion coatings would be provided on the exterior of the piles above the mud line, and the piles would have caps. The finishes and lighting have not been selected but would be subject to approval by the Port and would be consistent with the character of the surrounding area. Appropriate signage, as required by the Port, also would be installed.

**Comment 2.9**

If this DEIR is also intended to serve as the environmental document for the possible expansion of the Exploratorium into Pier 17, the EIR should include more specificity on the work that is



proposed in Phase II, such as the proposed substructure and internal work at Pier 17, the proposed bridge connection at the Observatory Building and the proposed expanded public access deck along the south apron of Pier 17. (*Ming Yeung, BCDC, March 16, 2009*)

Currently we are concerned, as you will hear from others that there is no plan for Pier 17. (*Gerry Crowley, March 5, 2009*)

Secondly, Piers 15 and 17, this is being proposed as a single project, and the DEIR doesn't require that they be analyzed as a single project, under CEQA.

The fully fleshed-out details, or at least a more fully formed proposal of Pier 17 should be considered rather than what effectively can become piecemeal of the project by giving it approval now and studying the effects later.

The proposal that the mitigation measure, by hinging future compliance of the project with design and performance criteria that will be reviewed later by other agencies, I submit, does not comply with the CEQA requirement to analyze the project in detailed phases, and do it fully. Thank you for your time. (*Jon Golinger, March 5, 2009*)

Generally, I would agree with the comment President Miguel made. I am concerned that the quantitative and qualitative aspects of Pier 17 are not described. They are addressed in some generic form.

I would like to fully support what Commissioner Miguel said, and I would rather like to either have more disclosure or take 17 out of this particular approval process. Thank you. (*Commissioner Moore, March 5, 2009*)

Yes. I read the history, and other questions with regards to the connector bridge, I think it's been analyzed correctly here. There's a difference in height of four feet between the existing connector building and the proposed bridge.

I mean, I guess the question began to be raised, should you be analyzing Pier 17 at the same time as Pier 15 if Pier 17 might not be utilized at the same time. We hear we have to do analysis that is wider in scope, because of future development, although in doing that, we may analyze something years before it's actually finished.

So it is kind of a quandary, but I think you're better to err to decide about the wider analysis than a narrower analysis. (*Commissioner Antonini, March 5, 2009*)

### **Response 2.9**

The commentors expressed concern that the DEIR did not fully outline the work proposed for Pier 17 and discussed whether or not it's appropriate to include the Expanded Project in the subject EIR. These comments are addressed in Master Response 1, p. C&R-5, which explains the level of information currently available for the

Expanded Project, and why it is sufficient for purposes of CEQA. The DEIR evaluated the potential impacts of the Expanded Project at an equal level of detail as the Project. The Project Description in the DEIR includes substantial details on the proposed improvements and future occupation of Pier 17. These details include: projected visitorship; building program space; improvements to the structure exterior and roof; freight unloading; and construction and rehabilitation details. While the DEIR provides a substantial level of detail about the Expanded Project, certain aspects of the design, such as specific materials to be used and minor design elements such as paint and material colors, interior partition layout and landscaping, have yet to be determined.

### **3. LAND USE, POLICIES, AND PLANS**

#### **Comment 3.1**

Policy 2.5 of the Urban Design Element of the General Plan requires that care be used in remodeling of older buildings in order to enhance rather than weaken the original character of such buildings. Please explain how the materials, design, size and form of the proposed new Bridge Building (including the glass curtain-wall system on the west and east façades, the large areas of glazing, the glass bridge and the corten steel elements) comply this Urban Design Element in relation to Piers 15 and 17. (*Vedica Puri, Telegraph Hill Dwellers, March 5, 2009*)

#### **Response 3.1**

Per the significance criteria stated in the DEIR, the historic resource analysis focuses on evaluating whether the Project and the Expanded Project would adversely affect the piers such that they lose integrity or are no longer eligible for listing. It is beyond the scope of an environmental document to analyze whether a project is consistent or not with all the various policies of the *General Plan* (see Master Response 2, p. C&R-11). Master Response 4 on p. C&R-23 of this Comments and Responses document presents a detailed discussion of the choice of materials for the new Bridge Building.

#### **Comment 3.2**

The proposed project is not consistent with existing plans and policies.

As you know, there are several plans governing the type of development permissible along San Francisco's Waterfront. These include the Port's Waterfront Land Use Plan and the Waterfront Design and Access Element and the Bay Conservation & Development Commission's (BCDC)

Special Area Plan. Each of these plans call for the complete removal of the valley between Piers 15 and 17 and the existing non-historic connector building in order to open up the water and thereby provide the public with visual and physical access to the Bay. The proposed Bridge Building is inconsistent with these plans and cannot be built unless and until all of these plans are formally amended. (pages III.B-2 through 4). (*Vedica Puri, Telegraph Hill Dwellers, March 5, 2009*)

The DEIR states that these plans and policies are not related to environmental impacts. On the contrary, these plans and policies relate to aesthetics, the visual character of our waterfront, public view corridors, and the enhancement and protection of San Francisco Bay. The proposed project, including the construction of the new Bridge Building extending north 75 feet from the Pier 15 Shed and 2 bridges spanning the valley between Piers 15 and 17, would impact public view corridors and impede the restoration of the area to open bay water. (*Vedica Puri, Telegraph Hill Dwellers, March 5, 2009*)

Removal of Structures. The DEIR acknowledges that the proposed project would be inconsistent with the SAP policy requiring removal of the valley and the non-historic shed additions and would therefore require an amendment to the SAP in order to be approved. The proposed project would leave a portion of the valley deck and non-historic shed additions in place and, according to the DEIR, would not offset the amount of fill left in place by removing fill at another location. The DEIR identifies this inconsistency as "less than significant" because it assumes that an amendment to the SAP will be approved. The EIR should instead identify the inconsistency with the SAP as a potentially significant effect since no amendment has been approved at this time and the EIR should analyze the potential effects of the project under the current SAP policy. Since the removal of the deck and pilings that form the "valley" between Piers 15 and 17 and non-historic additions to the Pier 15 and 17 sheds were part of the public benefits that the Commission deemed necessary for it to set aside the otherwise applicable use restrictions of the McAteer-Petris Act, this inconsistency constitutes a potentially significant impact. (*Ming Yeung, BCDC, March 16, 2009*)

Let me speak to the two concerns I want to address with the DEIR. First and foremost, there is not an adequate analysis of the inconsistencies between the project proposal and the waterfront land-use plan. There is a comprehensive land-use plan in place, mandated by the voters by Proposition H -- and it along with the Waterfront, Design and Access Element, and the BCDC; all three call for the elimination of the existing building at the end of Piers 15 and 17 and opening up of the middle area in a way that the project does not do.

In the DEIR, it sort of dismisses that conflict by stating that the visual concerns, the view corridor, and the conflict with the land-use plan are not environmental impacts for the purposes of the DEIR. But I submit to you that the visual character of the waterfront, the esthetics, the protection of our bay, of the waterfront plan, as mandated by the voters, are exactly environmental impacts and need to be studied more carefully, or at least analyzed more carefully than the DEIR gives them credit. (*Jon Golinger, March 5, 2009*)



**Response 3.2**

The commentors express concerns that the inconsistencies of the Project and Expanded Project with the Port's *Waterfront Land Use Plan (WLUP)* and Design and Access Element and the Bay Conservation and Development Commission's (BCDC) *Special Area Plan (SAP)* should be considered a potentially-significant impact. These comments are addressed in Master Response 2, p. C&R-11.

**Comment 3.3**

The DEIR includes an appropriate discussion of BCDC's jurisdiction at this location and some of the policies that apply to this project, based on our comments on the NOP. As indicated in the DEIR, the majority of the Exploratorium relocation project will be within the Commission's Bay jurisdiction. The proposed project would involve extensive seismic repair or reconstruction of existing piers within the boundaries of the existing pier footprint and fill within an open water area. In order to authorize this project, the Commission will need to find that the activities are consistent with the McAteer-Petris Act, the policies and findings of the Bay Plan, and the policies of the *SAP*. (*Ming Yeung, BCDC, March 16, 2009*)

The EIR should discuss whether the proposed fill would be consistent with the Commission's *SAP* policies on fill in open water areas, as well as the fill policies in Section 66605 of the McAteer-Petris Act. (*Ming Yeung, BCDC, March 16, 2009*)

**Response 3.3**

The commentor states that because the Project is in the Commission's Bay jurisdiction that BCDC would have to find that the Project and Expanded Project are consistent with the McAteer-Petris Act, the policies and findings of the Bay Plan, and the policies of the *SAP*. As discussed on p. III.B-4 of the DEIR, the Project Sponsor has consulted with BCDC staff throughout the design of the Project. Compliance with these plans is not a CEQA issue; however, the Project Sponsor would continue to consult with the Commission and BCDC to ensure compliance. An extensive discussion of the Project and Expanded Project's consistency with the *SAP* is presented in Master Response 2, p. C&R-11. For a response to the comments regarding Bay fill and consistency with the McAteer-Petris Act, please refer to Response to Comment 8.1, p. C&R-101.

**Comment 3.4**

Public Access. As stated in our comment letter to the NOP for the DEIR, Section 66602 of the McAtteer-Petris Act states, " ...that maximum feasible public access, consistent with a proposed project, should be provided." The *SAP* further elaborates this requirement for projects along the San Francisco waterfront by stating, "[f]or a major development project occupying all or most of a pier(s), a project that provides 35% of the project pier area for public access should be deemed to provide maximum feasible public access ... " Projects on finger piers where there is no change to the pier shed footprint must provide, to the maximum extent feasible, public access on the entire apron, a "Bayside History Walk", and an additional public access feature that is consistent with the project, the size of the pier and with the Secretary of the Interior's standards. According to the *SAP*, public access should be provided free of charge to the public, be generally accessible at any time, and emphasize passive recreation and focus on its proximity to the Bay and on the views and unique experiences that nearness to the Bay affords.

More analysis on the project's proposed public access is needed to determine whether the public access meets the Commission's laws and policies. Because the public access proposed to date has been considerably less than the 35% of the project pier area, the staff has had several discussions with the Exploratorium to assure that the public access provided is open, desirable, and brings the public to obvious points of interest at the site. In this regard, the number of days that ships will be berthed at the east end of the pier and alternative access routes for these times, vehicle use on the pier aprons, possible public access on the Observatory Building rooftop, public access provided in Phase II, including a Bayside History Walk in Pier 17, possible impacts to public access and views from the construction of the Bridge Building, and improvements along the Embarcadero promenade will all have a critical bearing on the Commission's evaluation of the proposed public access and should be thoroughly evaluated in the EIR. (*Ming Yeung, BCDC, March 16, 2009*)

**Response 3.4**

The commentor states that the Project's public access areas should be more thoroughly evaluated in the DEIR to determine whether the public access meets the Commission's laws and policies. It is beyond the scope of an environmental document to analyze whether a particular project is consistent with policies that were not adopted for the purpose of avoiding or mitigating an environmental impact (see Master Response 2 on p. C&R-11). With respect to the *SAP* and other applicable BCDC laws and policies that do not relate to physical environmental impacts, such as public access, the Commission would rely on the consistency analysis presented in the BCDC staff report, rather than the EIR, to form the basis for its decision. The following information about the project description is intended to facilitate that analysis.

The Project would provide approximately 20 percent of the Project Site as public access and the Expanded Project would increase the public access to approximately 23 percent. The publicly-accessible perimeter edge would be 82 percent of the total perimeter (not including Baydelta's Pier 17 north apron), and would be approximately the same for both the Project and Expanded Project. The Bayside History Walk would be located in the public lobbies of Pier 15 and Pier 17, as described on p. II-18 of the DEIR. The additional public access features include the Exploratorium's free science exhibits located along the new pedestrian decks, pathways, and bridges creating a unique waterfront attraction (e.g. tidal pool, seawall exhibit, water-pile garden). In addition, impacts to views from construction of the Bridge Building are discussed throughout Section III.C Aesthetics, and two new visual simulations of the Bridge Building are included on Figures C&R-12 and C&R-13, pp. C&R-49 and C&R-51, of this Comments and Responses document.

As described on p. III.A-18 of the DEIR, public access to all of Piers 15/17 apron areas is currently prohibited. The Project and Expanded Project would provide a substantial amount of new public access on the east and south aprons and provide a Bayside History Walk inside Piers 15 and 17. The east apron would be closed to the public on days when navy ships berth there. The public access proposed by the Project and Expanded Project is the maximum amount feasible given the continued operation of Baydelta Maritime and berthing of navy ships. Table II-6 of the DEIR presents the lay berthing activities at the Project Site for 2000 to 2007. The Port and BCDC are continuing to discuss future berthing activities at the Project Site. It is anticipated that berthing activities would continue as they have in the past. However, the Project and Expanded Project would provide a substantial amount of new public access while ships are berthed compared to the existing condition that prohibits public access on all pier aprons at the Project Site. The final public access requirements during normal operation and lay berthing activities are policy and permit compliance issues that remain to be negotiated with BCDC.



**Comment 3.5**

As stated in the DEIR, the lands that the project will occupy are legislatively granted sovereign lands held by the City and County of San Francisco pursuant to Chapter 1333, Statutes of 1968, and as amended with minerals reserved to the State. Any proposed uses involving granted tidelands must be consistent with the common law Public Trust Doctrine and the applicable granting statute(s). Acceptable trust uses include, but are not limited to, uses that promote water-oriented or water dependent recreation and commerce, navigation, fisheries, public access, and the preservation of the land in its natural condition. Staff of the CSLC, the Port of San Francisco and the Exploratorium have been, and will continue to be, involved in discussions to determine the Project's trust consistency with the Public Trust and the legislative grants. We appreciate the opportunity to comment. If you have any questions concerning the CSLC's jurisdiction, please do not hesitate to contact me at (916) 574-1227. Thank you. (*Grace Kato, Public Land Management Specialist, California State Lands Commission, March 10, 2009*)

**Response 3.5**

The above comment is acknowledged and the Project Sponsor has indicated the desire to continue to work with the above mentioned organizations to ensure that the Project and Expanded Project are consistent with the Public Trust.

**4. AESTHETICS****Comment 4.1**

We also disagree that the end of the Pier shed is the "rear" of the shed. These pier sheds are -- by their very nature -- viewed from the water, from above and from the land. The addition of the Bridge Building will be highly visible from the water -- from sailboats and cruise ships, etc. (*Vedica Puri, Telegraph Hill Dwellers, March 5, 2009*)

First, we disagree that the end of the pier shed is the rear of the shed. These sheds are, by their nature, due to the water from above and from the land. (*Gerry Crowley, March 5, 2009*)

**Response 4.1**

The commentators disagree with the description that the end of the pier shed is in the "rear" of the Project Site. The DEIR describes the existing Connector Building and new Bridge Building as being at the "eastern end" of the Project Site. This description of the location is only used as a point of reference and is not used to describe the importance of the pier shed's location in relation to the rest of the Project Site. The Project Site can be viewed from all sides and the pier sheds do not have "ends" or "rears." Page III.C-3, paragraph 3 of the DEIR is modified as follows:

The Project Site can be viewed to the north and south from public areas along The Embarcadero, as well as from other areas including Telegraph Hill, Coit Tower, the east view corridor along Green Street, and the Bay. Therefore, the Piers 15 and 17 structures do not have designated "fronts" or "rears." The majority of the views from the immediate vicinity are partially obstructed by physical objects including: trees, signs, lamp posts, and pedestrian and transit facilities.

Figure C&R-13, p. C&R-51 presents a photosimulation of the Project Site as viewed from the San Francisco Bay. A description of the changes to this view is provided in Response to Comment 2.1, p. C&R-33. The Project and Expanded Project as viewed from this location would not degrade the visual character of the Project Site or vicinity. Therefore, inclusion of the new simulations does not change any conclusion reached in the DEIR.

#### **Comment 4.2**

The DEIR does not adequately address the proposed impacts on aesthetics.

Photo voltaic units on pier shed roofs. We are very concerned about the aesthetic impact on these historic structures of the photo voltaic units. Reflectivity could also be an issue with these units. It is important for the Exploratorium to use the very latest and best technology to show how photo voltaic units can be utilized without negative visual and aesthetic impacts. We would like more information on the type of unit proposed, its reflectivity and the number of square feet the units would take up on the rooftops – are the units only being proposed for Pier 15's rooftop for the moment?

We thank you for your consideration of our comments and we look forward to your responses with regard to the issues and questions we have raised in this letter. (*Vedica Puri, Telegraph Hill Dwellers, March 5, 2009*)

#### **Response 4.2**

The commentor expresses concern about the aesthetic impact of the photovoltaic units that would occupy the rooftops of the Project and Expanded Project. The commentor also requests additional information concerning the photovoltaic units that would be used, including the type of units proposed, their reflectivity, and the number of square feet the units would occupy. Figures III.C-2 through III.C-6 on pp. III.C-5 through III.C-15 of the DEIR present photosimulations depicting the Project with photovoltaic panels covering the entire Pier 15 roof minus walking paths for maintenance. The figures also depict photovoltaic panels covering the south facing roof of Pier 17 under

the Expanded Project minus necessary walking paths. The photovoltaic units would have all black panes, matte finish, installed parallel with the slightly sloping roof and would be slightly visible to ground-level pedestrians on portions of Pier 17. As discussed on p. III.C-23 of the DEIR, although the photovoltaic panels would be more reflective than the existing roof, the panels are designed to absorb and capture sunlight to avoid producing glare. Photovoltaic panels incorporate design features such as textured glass that further reduce reflectivity. Because the technology of photovoltaic panels is rapidly evolving and systems are becoming more efficient, the Project Sponsor has indicated that it would wait until the Project (and in the future the Expanded Project) is out to bid to subcontractors before finalizing the specific type of panels and manufacturer that would be used.

**Comment 4.3**

I also wanted to mention that I wanted to ask the question of how the proposed design of the Bridge Building, including glass and steel materials, is necessary to meet the needs of the Exploratorium. (*Andy Katz, March 5, 2009*)

**Response 4.3**

The program for the Bridge Building includes a public café on the first floor, an event space on the second floor, and a rooftop exhibit area. Glass was utilized in the design of the café and event space to create as much viewable area to the exterior as possible. In addition, the use of full-height glass also affords the possibility of some transparency through the building in certain lighting conditions. Moreover, the *Waterfront Design Advisory Committee* and BCDC's *Design Review Board* requested glazing material for the Bridge Building and recommended this material at their most recent joint meeting held on March 9, 2009. The rooftop exhibit area's guardrail is designed with transparent fritted glass to decrease the apparent height of the building. Fritted glass is designed with spaced ceramic enamel patterns that make the glass appear less transparent to birds, while allowing building occupants to see out. As described in Master Response 4, p. C&R-23, the design of the Bridge Building would provide transparency relative to the



existing buildings and allow the existing historic structures to remain the dominant features of the Project Site.

The above information discusses why the proposed materials for the new Bridge Building were selected. The question of how a proposed design meets the needs of any particular project is beyond the scope of an environmental document because it concerns the merits of the project. This issue may be considered by the Port Commission and other decision-making bodies as part of their deliberations on the Project and the Expanded Project.

#### **Comment 4.4**

The addition of the bridge building will be highly visible from the water, from the sailboats, from the cruise ships, and I suppose even people driving in from the East Bay, occasionally, from the Bay Bridge. *(Gerry Crowley, March 5, 2009)*

I do feel that the view corridor, in my mind — and I often disagree with CEQA — in my mind is an environmental concept that has to be looked at. *(President Miguel, March 5, 2009)*

To Commissioner Lee's point, though, there is the aesthetic section, which does treat views from various places, from Telegraph Hill and the Embarcadero and what-not, so views and aesthetics are analyzed within the context of the EIR. *(Commissioner Sugaya, March 5, 2009)*

I want to make one more comment about the graphic depiction of some of the elements. I have to say that the viewpoint analysis, 3C-13, which is the volume depiction existing before, and project and expand project, are somewhat insufficient because they're taken from a viewpoint that is so far away that I literally had to ask someone if they saw something new on the thing.

I think that does some injustice to what is really a change, and it should be depicted. If it's really holding up to public scrutiny, you might as well be on this side of the street and look at it, meaning the water side of the street. It's impossible to discern. Why not move the viewpoint up a little closer, with the computer. *(Commissioner Moore, March 5, 2009)*

#### **Response 4.4**

The commentors raise concerns about public views of the Project. Two new viewpoints have been added to illustrate the Project and Expanded Project as viewed from the Bay and Herb Caen Way. Photographs of the existing conditions from these viewpoints are presented with simulations of the Project and Expanded Project in Figures C&R-10 and C&R-11 on pp. C&R-45 and C&R-47 of this Comments and Responses document. The

Project and Expanded Project as viewed from these locations would change the character of the Project Site; however, the existing visual quality of the Project Site and vicinity would not be degraded. Therefore, inclusion of the new simulations does not change the conclusion reached in the DEIR that visual quality impacts of the Project and the Expanded Project would be less than significant.

Commission President Miguel is correct in noting that a view corridor can be considered an environmental concept provided that it's viewed in the context of being substantially degraded by a proposed project from a publicly accessible view point. To that end, the DEIR includes an analysis of potential impacts to views and visual resources. On p. III.C-22, the DEIR concludes that the Project and Expanded "would not have significant adverse impacts on publicly-accessible scenic vistas, nor would the Project or the Expanded Project damage scenic resources or other features that contribute to the scenic public setting." This conclusion is based on the fact that the Project and Expanded Project would not block publicly-accessible views of the Bay or other scenic areas (because there are none under existing conditions) and because a new view corridor between Piers 15/17 to the Bay and East Bay Hills would be created. The Project and the Expanded Project would also provide new public access to the Project Site, including access to apron areas and the area between Piers 15/17. The new public access areas would provide new views from the Project Site towards the East Bay, Treasure Island, the Bay Bridge, and Downtown San Francisco.

#### **Comment 4.5**

I am not certain that, from my first review of it, that the concept of that much glass, as to impact on birds, the Audubon Society is upset, as well as others — as well as additional light pollution — totally works. (*President Miguel, March 5, 2009*)

#### **Response 4.5**

The commentor expresses concern for potential impacts to birds resulting from the use of glass on the Bridge Building. A response to comments concerning potential impacts to birds is addressed under Response to Comment 7.1, p. C&R-98. The commentor also expresses concern for additional light pollution resulting from the Project. Existing

lighting condition in the vicinity of the Project Site, as described on p. III.C-12 of the DEIR, is a well-lit urban environment during evening hours. The existing lighting on the Project Site is industrial in nature and many of the light fixtures are not well-shielded. On p. III.C-24 of the DEIR, it was concluded that the Project and Expanded Project would not generate obtrusive light that would substantially affect other properties because the exterior lighting at the Project Site would be consistent with surrounding uses along the waterfront, would be positioned to minimize glare, and would not be in excess of that commonly found in urban areas.

#### **Comment 4.6**

Regarding those four issues, I think the draft EIR is fine, I think it addresses it.

Regarding this whole view issue, my view on it is it is not required by CEQA. And if we take views, you might as well get rid of the Planning Department and make sure we don't build anything else in the city.

How can you discriminate between a court area versus the rest of the area we're going to build. Are high-rises going to block someone's view?

If we take views as part of the CEQA process, which we have never done before, we're setting a new standard here. If that's the case, you say views, it's got to be a policy decision by the City, and maybe by all the voters. If that's the decision, you're going to block someone's views. (*Commissioner Lee, March 5, 2009*)

#### **Response 4.6**

The commentor states that the analysis of views is not a CEQA issue and should not be considered as an environmental impact. Commissioner Lee is generally correct assuming he is referring to the protection of *private* views. Public views, on the other hand, can be a CEQA issue. The significance criteria addressing views asks whether a project can: a) Have a substantial adverse effect on a scenic vista; or b) Substantially damage scenic resources; or c) Substantially degrade the exiting visual character or quality of the site and its surroundings. In Section III.C Aesthetics, the DEIR provides an analysis of the potential impacts the Project and Expanded Project would have on views. The DEIR concludes that impacts on views would be less than significant. On p. III.C-22, the DEIR concludes that the Project and Expanded "would not have



significant adverse impacts on publicly-accessible scenic vistas, nor would the Project or the Expanded Project damage scenic resources or other features that contribute to the scenic public setting.”

## 5. CULTURAL RESOURCES

### Comment 5.1

Significant adverse effects of proposed design of the Bridge Building on historic resources are not adequately or accurately considered. We disagree with the conclusion contained in the DEIR that the proposed new Bridge Building will not adversely impact the historic significance of Piers 15 and 17 or the National Register District. On the contrary, we agree with the comments made by the Historic Preservation Commission that the Bridge Building is incompatible Piers 15 and 17, as well as contributory structures within the National Register District, and would significantly and adversely destroy the historic resource. (*Vedica Puri, Telegraph Hill Dwellers, March 5, 2009*)

### Response 5.1

The DEIR’s conclusion about the Bridge Building is based on the HRER and the HRE Response analysis, which establishes that the Project does not adversely impact the historic significance of Piers 15/17 or the Historic District since the Project does not significantly impact the historic character of the buildings or their justification for inclusion in the National Register of Historic Places.

With respect to the HPC, the Project Sponsor and City staff presented the Project and the Expanded Project to the HPC on February 18, 2009. The HPC subsequently submitted a comment letter on the DEIR, which stated the following:

*The HPC recommends that the Final Environmental Impact Report (FEIR) provide a detailed discussion of the proposed project’s compliance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties, Rehabilitation Standard #9, as it pertains to the addition of the “Bridge Building.” While the general size of the proposed addition was found to be appropriate, there was not consensus among the HPC as to whether the addition’s proposed steel and glass materials comply with Rehabilitation Standard #9.*

This Comments and Responses document provides supplemental discussion of the compatibility of the Project's glass and steel materials in Master Response 4, on p. C&R-23, and the Project's compliance with Secretary's Standard #9 in Master Response 3, on p. C&R-14. The additional discussion does not change the conclusion reached in the DEIR that the Project would not result in a significant historic resources impact.

## Comment 5.2

The proposed materials are incompatible Piers 15 and 17 and the other contributory structures within the National Register District, including the glass curtain-wall system on the east and west façades, the glass bridges and the use of Cortend steel (which will streak and look rusty). The scale, proportion and massing also appear incompatible with the historic resources.

The DEIR does not contain sufficient information to support its conclusion that Bridge Building will not have a potentially significant adverse impact on these historic resources. In addition to the measurements and drawings requested above as to the transit sheds in relation to the proposed Bridge Building, the DEIR is inadequate in that it fails to answer the following questions, which we request be addressed in the final EIR:

How is the glass curtain-wall system consistent with the historic materials and elements of Piers 15 and 17? Where are such materials and design elements found on Piers 15 and 17?

How is the glass curtain-wall system consistent with the historic materials and elements of other contributing buildings within the NR Historic District? Where are such materials and design elements found in the NR Historic District?

Although we see no reference to it in the DEIR, we understand that Cortend steel will be an exterior design element, which will cause streaking and appear rusty. Where is Cortend steel found within the NR Historic District and how is such material justified as being compatible with the historic materials? What other materials are proposed to be used in the new Bridge Building that are not disclosed or considered in the DEIR?

Questions concerning the need for the height and bulk of the Bridge Building: How is the proposed height and bulk of the Bridge Building, including the proposed roof deck railings and elevator penthouse compatible in size and scale with the pier sheds of Piers 15 and 17?

How are the proposed glass bridges compatible with the materials and elements of the National Register District?

Glass railings will make the building taller and more out of scale with the historic pier sheds and will require the higher elevator penthouse.

How do the proposed materials for the Bridge Building meet the Secretary of Interior's Standard No 9, which specifically requires that the new work shall be "compatible with the historic materials, features, size, scale, and proportion, and massing" of Piers 15 and 17 as required by Standard No. 9.

Please cite other examples of piers anywhere in the NR Historic District or elsewhere on the SF Bay that have a sizeable new building constructed at the water's edge (with an elevator penthouse). Can you cite any examples of any other piers anywhere in the state that have a sizeable building at the water's edge? (*Vedica Puri, Telegraph Hill Dwellers, March 5, 2009*)

Some of the materials are incompatible with Piers 15 and 17 are on the National Register -- and those include the glass bridges and the glass wall system. (*Andy Katz, March 5, 2009*)

### **Response 5.2**

The commentors believe that the massing and materials of the Project's new Bridge Building are not compatible with the historic resources at the Project Site or in the Historic District. These comments are addressed in Master Response 4, p. C&R-23. Responses to comments regarding compatibility of the Project with the *Secretary of the Interior's Rehabilitation Standard #9* are addressed in Master Response 3, p. C&R-14. All materials relevant to the environmental analysis of the Project and Expanded Project are described on pp. III.D-24 through III.D-31 of the DEIR. The Project no longer includes Cor-ten steel, and the Expanded Project no longer includes the second-story glass bridge connecting the Bridge Building with Pier 17. In addition, the Expanded Project no longer includes a mezzanine level in Pier 17. The DEIR text and figures will be modified to update these changes to the Project Description and subsequent references to the second-story bridge and Pier 17 mezzanine. Figures C&R-5 and C&R-6 illustrate the Expanded Project with the second-story bridge and mezzanine level in Pier 17 removed. The revisions do not change any conclusions reached in the DEIR. In terms of the Project's potential to establish precedent within the Historic District, the construction of the new Bridge Building is a unique response to the particular needs of this Project and acceptable in this location due to the existing non-contributing addition, which currently exists between Piers 15/17. The new Bridge Building would maintain the relationship of historic to non-historic elements by limiting new construction to the previously altered portions of the resource.



Page II-19 of the DEIR, paragraph 1 will be modified as follows:

Table II-5, Projected Pier 17 Building Program, shows the proposed Pier 17 program upon initial occupancy of the Project and under the Expanded Project, which includes the Exploratorium occupation of Pier 15, the Valley, and Pier 17. It is projected that if the Exploratorium expands the building program it would occupy the entire Pier 17 Shed area, which is approximately 110,615 gsf. ~~A second-story bridge would be constructed from Pier 17 to the new Bridge Building.~~ On the exterior of Pier 17, the southern portion of the building's west façade that was part of the 1950s addition to the south façade would be cut back by two bays in order to emphasize the original west façade. As part of the Expanded Project, photovoltaic panels would be installed on the roof of the shed structure. The Expanded Project would also remove all of the existing exterior light fixtures on Pier 17 and add new light fixtures.

Page III.C-18 of the DEIR, paragraph 2 will be modified as follows:

Under the Expanded Project, the Pier 17 Shed would be rehabilitated to maintain its character-defining features, including the east, north, and south façades, concrete exterior, doors and windows, and the south apron. The west end of the south façade of Pier 17 would be cut back by two bays in order to emphasize the original façade. ~~A second-story bridge would be constructed from Pier 17 to the new Bridge Building.~~ The Expanded Project is currently at the master plan level and some architectural details and characteristics have yet to be determined. However, the Project Sponsor intends to treat Pier 17 in a similar manner to Pier 15, whereby character-defining features would be rehabilitated.

Page III.C-21 of the DEIR, paragraphs 1 and 3 will be modified as follows:

Under the Expanded Project, the most prominent change in views would be the rehabilitation of the Pier 17 Shed structure and the portion of Pier 17's west façade that would be cut back. ~~The second-story bridge connecting Pier 17 to the new Bridge Building would also be visible. The bridge would be constructed with a transparent material to limit obstruction of the view corridor.~~ The photovoltaic panels on the south side of the Pier 17 Shed roof would be visible.

The most prominent change in views under the Expanded Project would be the rehabilitation of Pier 17 Shed structure and the portion of Pier 17's west façade that would be cut back. ~~The second-story bridge connecting Pier 17 to the new~~

~~Bridge Building and photovoltaic panels on the Piers 15/17 Shed roofs would also be visible.~~

Page III.D-31 of the DEIR will be modified to delete bullet 5:

~~Construction of a new second floor bridge (of the same glass material as the Bridge Building) between the new Bridge Building and the non-historic Pier 17 shed addition (south façade), leaving an opening on ground level to the Bay;~~

The Port of San Francisco and the San Francisco Planning Department are unaware of other examples of piers elsewhere in the State with sizeable new buildings constructed at the water's edge. As specified by CEQA, the analysis of the Project and Expanded Project need only address qualified historic resources impacted by the undertaking, in this case Piers 15-17 and the Port of San Francisco Embarcadero National Register Historic District, as presented in Section D, Historic Resources of the DEIR.

### Comment 5.3

We do not think this complies with the Secretary of the Interior's Standards, in particular Standard No. 9, which requires, not only that new construction be differentiated from the old, but that all the new work shall be "compatible with the historic materials, features, size, scale, and proportion, and massing" of Piers 15 and 17. That is not the case with the proposed Bridge Building with its large areas of glazing and glass bridges and its blocky form. The proposed Bridge Building appears to be a rather large, square modern office building plunked down to the end of the historic pier shed. It is our understanding that there are no other examples along the California coastline where a building appears at the end of a pier. The Bridge Building would therefore be a precedent-setting development in California. The Bridge Building as proposed would set a terrible precedent for future projects reusing the historic sheds along our historic waterfront.

**Improper Height & Massing.** As to the size, scale and proportion and massing, the DEIR states that proposed new 2-story Bridge Building would be approximately 32 feet tall to the roof and 35 feet tall as measured to the top of the parapet, and the elevator penthouse would rise to 44 ft. The Pier 15 pier shed to which it will connect is a double-height, one story building capped by a combination shed and monitor roof. The shed roofs are pitched away from the monitor roof. Although the DEIR fails to provide the height of these existing transit shed features, the DEIR does state (at pages III.D-29 and -30) that the Bridge Building "*would be larger and would not be experienced as subordinate to the pier shed. The proposed Bridge Building visually competes with the historic shed and interrupts the expression of the historic roof decking, roof monitor and unobstructed sight lines...*" and proceeds to acknowledge that this is not consistent Secretary's Standard No. 9 because of the substantial change at the east end of the historic resource and setting. None of

the plans contained in the DEIR show the profile of the existing transit shed features to the proposed Bridge Building.

Please provide these plans as well as accurate height measurements of the pier sheds and monitor roofs, not just to the highest point on the roof. How much "larger" will the Bridge Building be than the transit shed? Without this information, there is no way to accurately assess the scale and massing of the proposed new Bridge Building. (*Vedica Puri, Telegraph Hill Dwellers, March 5, 2009*)

The HPC recommends that the Final Environmental Impact Report (FEIR) provide a detailed discussion of the proposed project's compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, Rehabilitation Standard #9, as it pertains to the addition of the "Bridge Building." While the general size of the proposed addition was found to be appropriate, there was not a consensus among the HPC as to whether the addition's proposed steel and glass materials comply with Rehabilitation Standard #9. (*Charles Chase, Interim President, Historic Preservation Commission, March 5, 2009*)

In regards to the new addition, we are enthusiastic about the idea of opening up the space to the bay and bringing the tidal action into the courtyard. Our previous concerns regarding the material choices of the bridge building have been appeased as we learned that the project sponsor is replacing the steel with concrete. Nonetheless, the EIR should address the Secretary of the Interior's Standard No. 9 in terms of compatibility of the addition. If the design has indeed been changed, the EIR should apply the Standards to the new design to assure its compatibility. (*Jack A. Gold, San Francisco Architectural Heritage, March 16, 2009*)

### **Response 5.3**

The commentors believe that additional analysis is needed to address the Project under the Secretary of the Interior's Rehabilitation Standard #9. These comments are addressed in Master Response 3, p. C&R-14. As discussed in Master Response 3, a significant adverse impact is not determined by compliance with Rehabilitation Standard #9. If a portion of a project does not comply with Rehabilitation Standard #9, it will not necessarily cause a significant adverse impact upon a historic resource.

New elevations and visual simulations of the Project and Expanded Project, including more detailed information on the proposed Bridge Building, are included on Figures C&R-12 and C&R-13, pp. C&R-49 and C&R-51, of this Comments and Responses document. As specified by CEQA, the analysis of a project need only address qualified historic resources impacted by the undertaking. Therefore, an examination of other



piers along the California coastline is unnecessary to identify potential impacts of the Project and the Expanded Project and was not conducted as part of this study.

**Comment 5.4**

Contrary to the opinion of the developer's preservation architect, we disagree that a glass building is "massless." In our opinion it could be even more visible than a solid material. (*Vedica Puri, Telegraph Hill Dwellers, March 5, 2009*)

**Response 5.4**

The commentor disagrees with the preservation architect's opinion that the glass Bridge Building would be "massless" and asserts that a glass building could be more visible than a solid building. Neither the HRER, the HRE Response nor the DEIR states that the Bridge Building is "massless." It is assumed that the commentor's statement that a glass building could be more visible than a solid building is referring to the light and glare that could be reflected from the glass and also because of the contrast with the existing building. However, as discussed on p. III.C-23 of the DEIR, all of the new glass that would be used in the Project and Expanded Project would be non-reflective and would comply with the San Francisco Planning Commission's Resolution 9212, which prohibits the use of mirrored or reflective glass. In addition, the Bridge Building would be replacing the existing Connector Building and would therefore not obstruct views that are not currently obstructed. Therefore, p. III.C-17 of the DEIR concludes that aesthetics impacts from the Project and Expanded Project would be less than significant. In addition, comments regarding materials of the Project and Bridge Building are addressed in Master Response 4, p. C&R-23.

The preservation architect conducting the analysis of the Project and Expanded Project is a subconsultant of the environmental firm and the City. Their work is reviewed by preservation staff from the Port of San Francisco and the San Francisco Planning Department, as well as the San Francisco Planning Department's Historic Preservation Coordinator.

**Comment 5.5**

How are each of the other Secretary of the Interior's Standards met? As to whether the Standards are met, the DEIR contains statements to the effect that the Standards can be met "on balance" or that the project is "generally in compliance" with the Standards. We disagree with this conclusion. Compliance with the *Secretary's Standards* is not a balancing test. The project must be carefully analyzed based on each of the individual Standards. (*Vedica Puri, Telegraph Hill Dwellers, March 5, 2009*)

**Response 5.5**

The commentor asks how each of the *Secretary of the Interior's Standards* is met and asserts that compliance with the *Secretary's Standards* is not a balancing act. A detailed analysis of the Project and its compliance with the Secretary of the Interior's Standards for Rehabilitation is provided in the HREER on pp. 76 through 102 and in the Planning Department's HRE Response, which are both available for review upon request. These comments are also addressed in Master Response 3, p. C&R-14.

As discussed on p. 1 of the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Building in Choosing an Appropriate Treatment for the Historic Building*:

*The Standards are neither technical nor prescriptive, but are intended to promote responsible preservation practices that help protect our Nation's irreplaceable cultural resources. For example, they cannot, in and of themselves, be used to make essential decisions about which features of the historic building should be saved and which can be changed. But once a treatment is selected, the Standards provide a philosophical consistency to the work.*

As stated and interpreted, the *Secretary's Standards* are meant to be a guide and an overall philosophy. Understanding that a philosophical framework is in place, a project may or may not fully meet all of the Standards depending on the specific and individual needs of a project. Every project is examined individually and review is tailored to the specific needs of the resource. Page 61 of the Standards for Rehabilitation includes the "opportunity to make possible an efficient contemporary use through alterations and

additions.” Ultimately, the Standards advocate for identifying, retaining, and preserving those character-defining features that define an historic property.

The Project and Expanded Project involve many different components that are evaluated for consistency with the *Secretary's Standards*. Some of the major components include changes to the interior of the transit sheds, rehabilitation of the Pier 15 bulkhead, rehabilitation of the monitor windows, changes to the historic substructure, changes to the existing openings in Piers 15 and 17, demolition of a small 1929 office addition to Pier 17, removal of some of the non-historic additions, and construction of a New Bridge Building. The HRER, the HRE Response and the DEIR analyze all of these components for consistency with the Secretary's Standards. The HRE Response explicitly states that that the Project is not consistent with the *Secretary's Standards*; however, the Project would not cause a substantial adverse change in the significance of the resource such that the significance of the resource would be materially impaired. The decision of whether the Project would result in a significant historic resource impact was not based on whether the Project would “on balance” meet the *Secretary's Standards*, but rather on whether the proposed modifications to the historic resources and the Project Site would make Piers 15 and 17 no longer eligible for listing. The DEIR acknowledges that some of the components of the Project are not fully consistent with the *Secretary's Standards*. However, most of the work proposed by the Project is in fact consistent with the *Secretary's Standards*. Thus, the DEIR makes a conclusion that the Project would not adversely impact the character defining features of the historic resources such that they would no longer qualify for the listing.

#### **Comment 5.6**

As pointed out in the DEIR, the proposed Bridge Building would impact the original pier shed's clean unobstructed lines and the spatial qualities that characterize the pier shed. It would also result in the removal of historic roof trusses inside Pier 15. Are these impacts really necessary in order to accommodate the new proposed use of the piers for use by the Exploratorium? Why can't the new use be accommodated within a more compatible structure?

How is the proposed design of the Bridge Building, including the proposed glass and steel materials, necessary to meet the needs of the Exploratorium? Why did the DEIR not consider



alternative designs and materials that would be more consistent with the historic materials, features, size, scale, and proportion, and massing of Piers 15 and 17? (*Vedica Puri, Telegraph Hill Dwellers, March 5, 2009*)

### **Response 5.6**

The commentor believes that the new Bridge Building design would negatively impact the Pier 15 shed and questions why the Exploratorium's new uses cannot be accommodated in a differently-designed building. According to the Project Sponsor, the spatial transition from the second floor of the Pier 15 shed to the second floor of the Bridge Building requires head clearances that necessitate lifting a portion of the Pier 15 roof and removing trusses. As stated in the DEIR on p. III.D-26, a total of 12 non-contributing roof trusses would be altered, and three contributing roof trusses out of 151 would be removed in the Pier 15 Transit Shed as part of the construction of the new Bridge Building. The amount of shed roof affected is less than 3 percent of the roof area. Therefore, from a pedestrian perspective, the approximately 800 foot-long roof form of Pier 15 remains substantially intact when viewed from the west. The roof overlap is also set back from the monitor and the east parapet of Pier 15 by approximately twelve feet so that the monitor's visual line is unobstructed and the gabled profile of the shed is unaffected when viewed from the east. Response 2.4 explains the design of the Bridge Building in relation to the proposed uses. Comments regarding massing and materials of the Project and Bridge Building are addressed in Master Response 4, p. C&R-23.

In addition, Section 15126.6 (b) of the *CEQA Guidelines* requires consideration of alternatives that could avoid or substantially reduce any significant effects of the project. No significant adverse effects were identified in the DEIR that could not be mitigated to less-than-significant levels. Therefore, the analysis of alternative materials and massing for the Bridge Building is not required. Additionally, the DEIR did analyze an alternative that did not propose the construction of the new Bridge Building (see Response 10.1, p. C&R-118).

**Comment 5.7**

A finding of less than significant impact on historic resources cannot be based on future review.

Future Review of Impacts to Pier 17: As the “mitigation measure” for potentially significant impacts to Pier 17, the DEIR improperly relies on future compliance of the project with “design and performance criteria” to reduce the project to less than significant. According to the DEIR (page S-25), it will be the Planning Department Environmental Review Officer (ERO) who will be responsible for monitoring the project sponsor’s compliance with this mitigation measure. Under this process, the ERO will be required to consult with the Port prior to making a determination that the Expanded Project has complied with this mitigation measure and the project sponsor will hire a preservation architect to prepare an amended historic resources evaluation for the Port’s review as to compliance with the mitigation measure.

This proposed “mitigation measure” is not an adequate mitigation measure under CEQA for potentially significant impacts to Pier 17, nor is it a substitute for the failure to consider the impacts of the whole project in the DEIR. (*Vedica Puri, Telegraph Hill Dwellers, March 5, 2009*)

**Response 5.7**

The commentor suggests that Mitigation Measure M-CP-1 is inadequate in terms of CEQA because it defers analysis of the Expanded Project to future review. This comment is addressed in Master Response 1, p. C&R-5.

**Comment 5.8**

Future Review of Impacts Caused by the Bridge Building: The DEIR improperly relies on future regulatory review by the State Office of Historic Preservation, the National Park Service, Bay Conservation & Development Commission’s (BCDC) and the Port’s Waterfront Design Advisory Committee “to achieve greater consistency with the *Secretary’s Standards*” (page III.D-30) to reach its conclusion that the construction of the Bridge Building would result in a less than significant impact on historic resources. Reliance on future regulatory procedures to mitigate potentially significant impacts is not a substitute for environmental review under CEQA. Please explain how this future regulatory review is relevant to the CEQA review of the impacts caused by the project on historic resources? (*Vedica Puri, Telegraph Hill Dwellers, March 5, 2009*)

**Response 5.8**

The commentor suggests that the DEIR improperly relies on future review by regulatory agencies for the Project and Expanded Project to conclude that the Project would result in a less-than-significant impact. While the DEIR discusses the additional anticipated regulatory review by other agencies, it does not rely on that review to come to a

conclusion of significance with respect to historic resources. The conclusions reached in the DEIR relied solely on the analysis presented in the HRER as well as the Planning Department's HRE Response, which in this case found the project not consistent with the *Secretary's Standards* yet well below the significant impact threshold.

#### **Comment 5.9**

The HPC recommends that the FEIR require HABS-level documentation of the pre-1929 addition at the northwest corner of Pier 17 shed prior to its demolition as part of the Cultural Resource Mitigation Measures. (*Charles Chase, Interim President, Historic Preservation Commission, March 5, 2009*)

#### **Response 5.9**

At the recommendation of the Historic Preservation Commission, the EIR will add an improvement measure to document the Pre-1929 Office Addition at Pier 17. The measure is identified as an improvement measure because implementation is not necessary to avoid or reduce a potentially significant impact. The Project Sponsor has agreed to implement Improvement Measure I-CP-3, which also would be included in the conditions of the Port lease.

Page III.D-49 of the DEIR will be modified to add the following Improvement Measure after paragraph 3:

#### **IMPROVEMENT MEASURE**

I-CP-3 Prior to issuance of a demolition permit, the Project Sponsor shall prepare archival quality photographic documentation of the pre-1929 Office Addition at Pier 17. The documentation shall include the following elements and create an archival record of the historic feature generally consistent with the Historic American Buildings Survey (HABS) program:

- Archival quality black and white photographs;
- An architectural description of the feature; and
- Preparation of measured drawings to document the existing condition of the feature.



The archival record shall be prepared by a qualified architectural historian in consultation with the Port of San Francisco and the historic preservation staff of the San Francisco Planning Department and shall be distributed to:

- San Francisco Planning Department;
- Port of San Francisco; and
- San Francisco Main Public Library

#### **Comment 5.10**

The Heritage Issues Committee saw this project in September 2008. In general we are pleased with the changes made to the previous design, as reflected in the DEIR. We understand that there probably is no program that would allow for an open space floor plan, but we encourage further study to explore and experiment with new alternatives for the interior - in particular, the approach and entry relationships to the interior volume. It would truly be a shame to lose the spectacular open nave of the building, as the current design closes the perspective view, even with the glass walls. There are many possible alternatives for this interior space. The EIR should look at alternatives to minimize the bulk created by the clusters to allow for the view. Perhaps the clusters could flank the north and south walls, to leave the center open. They could then be connected with bridges or catwalks. Another option would be to extend the clusters in length and mass them against the north wall in a one side lateral load, leaving the south side open as a double-height open run. There should be further experimentation with placement to preserve perspective of space along the nave. Perhaps the creation of an elevated platform at the entrance to enable the long perspective view would help. (*Jack A. Gold, San Francisco Architectural Heritage, March 16, 2009*)

The Final EIR also must visually reflect these design changes, as there are no new drawings of the proposed structure which clearly showed the architectural details or scale height measurements in comparison to the historic areas. The DEIR in general lacks sufficient graphic representation of the project, and its potential impact on viewpoints and approaches. We are in support of the reuse of Piers 15 and 17 for the Exploratorium. It is our hope that the Final EIR will take into account the compatibility of additions and alternative designs for the interior spaces. (*Jack A. Gold, San Francisco Architectural Heritage, March 16, 2009*)

Because they could enter into some kind of complicated lease arrangement. In any case, that's neither here nor there. In my experience with view-to-view, if it does go through the National Park Service, there was a huge amount of concern, which I believe the consultants to the Exploratorium already know about, about how the interior spaces are viewed, and how much of the interior spaces can be experienced as a volume, since the volume of the pier sheds are one of the most important character-defining features. (*Commissioner Sugaya, March 5, 2009*)

**Response 5.10**

The commentors suggest that the EIR should include analysis of alternative interior designs for Pier 15 and 17, and they also note that the DEIR lacks sufficient graphic representation of the Project and Expanded Project.

Page III.D-26 of the DEIR states that the interior character-defining elements for Pier 15 include the steel-frame structural system, steel trusses, wood roof decking, open interior spatial character (large volume), and the amount of daylight in the interior. The DEIR also states that the proposed interior elements would be contemporary in character with materials, including glass and metal that would substantially preserve the open interior special character and not create a false sense of history.

The Planning Department explored a range of alternatives for the Project and Expanded Project in Chapter V of the DEIR, Alternatives, pp. V-1 through V-20. The interior alternatives suggested by San Francisco Architectural Heritage were examined by the Project Sponsor separate from the CEQA process as part of the design process and were deemed to cause greater impact to the interior character-defining features. Specifically, these alternatives caused impacts to the north and south walls of the Pier 15 Transit Shed because extensive physical connections to historic shed walls would be a necessary part of the design. As proposed, the Project minimizes the alterations and connections to the north and south walls of the Pier 15 Transit Shed, and allows for a clear differentiation between new construction and the existing historic building. In addition, the Project allows for a clear view corridor of the interior volume at the first and second floors, particularly along the north and south walls. The interior cluster arrangement allows for three areas of new construction, rather than an elongated arrangement of new construction running the length of the building. As demonstrated by the proposed uses for the middle cluster, which is intended to be open area laboratory space, the cluster arrangement provides for a clear view of the second floor from the west to east façade. The cluster arrangement allows for larger two-story volumetric spaces, which preserves this character-defining feature of the resource.

The Project Sponsor intends to treat the build-out of the Pier 17 interior in a similar manner to Pier 15, whereby character-defining features would be rehabilitated based on the detailed performance criteria set forth in Mitigation Measure M-CP-1. With regard to the interior features of Pier 17, Mitigation Measure M-CP-1 would, at a minimum, require that the Expanded Project preserve, rehabilitate, or restore the previously identified character-defining features of Pier 17 including: the transit shed wood-frame construction (stud-frame walls, wood plank gable roof, and interior roof trusses) and open interior volume and spatial character, including pier shed, exposed ceilings, wood roof decking, wooden trusses, and structural columns.

Section 15126.6 (b) of the *CEQA Guidelines* requires consideration of alternatives that could avoid or substantially reduce any significant effects of the project. The DEIR concluded that the Project would result in a less-than-significant impact on historic resources and the Expanded Project would result in a less-than-significant impact on historic resources with implementation of Mitigation Measure M-CP-1, and interior character-defining elements would be preserved. Therefore, the DEIR is not required to evaluate alternative interior designs that would reduce or avoid a significant effect.

The Project Description graphics have been revised to present details of the Project and Expanded Project more clearly. Additional graphics have also been included. The revised Project Description graphics are presented on Figures C&R-3 through C&R-10, pp. C&R-35 and C&R-45 of this Comments and Responses document. Additional simulations of the Project and Expanded Project have been prepared to more clearly represent the Bridge Building as viewed from Herb Caen Way and the San Francisco Bay. These simulations are presented Figures C&R-12 and C&R-13, pp. C&R-49 and C&R-51, this Comments and Responses document.

#### **Comment 5.11**

Another issue is that there are no examples of piers anywhere in the National Register Historic District, or elsewhere in the San Francisco Bay, that have a sizable new building constructed at the water's edge, with an elevator penthouse. It is also our understanding that there are no



other examples on the California coastline where a building appears at the end of a pier. (*Gerry Crowley, March 5, 2009*)

**Response 5.11**

The commentor suggests that there are no examples of piers anywhere in the National Register Historic District or elsewhere along the San Francisco Bay that have a sizable new building constructed at the water's edge. There are piers with connector buildings in the Historic District including Piers 19-23, 27-31, and 48. Also, as noted above, the Historic District does possess an example of a new building constructed at the water's edge, as evidenced by Pier 3, which has a large new multi-story addition (detailed in Master Response 4). As specified by CEQA, the analysis of a project need only address qualified historic resources impacted by the undertaking. Therefore, an examination of other piers along the California coastline is unnecessary to identify potential impacts of the Project and the Expanded Project and was not conducted as part of this study.

**Comment 5.12**

Viktoriya addressed four issues. Historical resource, I think the issue will be resolved by historical preservation. (*Commissioner Lee, March 5, 2009*)

**Response 5.12**

The commentor appears to indicate that the historic preservation issues will be addressed through the processes identified in the Section III-D, Cultural Resources, of the DEIR.

**Comment 5.13**

It's not just two trains not meeting in the night, but indeed they will have to meet somewhere. The one concern I would say, as we're making the building, moving it out of port and glass, it still needs to have a transparency in order to allow views to the bay through the building, in some form or another.

It's a critical balance about an element which is more a materiality point of view, responding to the pier buildings, but is also one which allows views or partial views through it or alongside it. The fact that the elevator housing has been moved over brings that element more into the massing of the overall. So many of the things are being addressed because the building is being looked at by a number of competent people who are shaping it with public interest in mind. (*Commissioner Moore, March 5, 2009*)

**Response 5.13**

The commentor considers the design of the Bridge Building with regard to massing and glazing and appears to generally support the design direction and process. Design and materials for the proposed Bridge Building are discussed in Master Response 4 on p. C&R-23.

**Comment 5.14**

First a question. And I guess I read through the records, and we're talking about the façades, and of course 15 has a neoclassic façade, and from what I can tell, 17 never did. Is that correct?

Right. Because where that is, the public would command the most of the façades that inter run the Embarcadero. But as you described, that was not ever there, so there's nothing to restore it back to its original state. Although there were some changes that occurred to the front of that pier over the years. (*Commissioner Antonini, March 5, 2009*)

**Response 5.14**

The commentor asks about the façades of Pier 15 and Pier 17. Pier 15 was constructed with a neoclassical bulkhead building, which faces The Embarcadero, while Piers 17 and 36 are the only two piers within the Historic District constructed without bulkhead buildings and have flat fronts that lack architectural ornamentation. Pier 17 features a transit shed the east façade of which has been altered over time. Pier 17's west façade still possesses its historic wood doors. Piers 15/17 are both contributors to the Historic District and additional information on the history and alterations to Piers 15 and 17 can be found in the HRER, pp. 37-53, 127-129, and 137-139.

**Comment 5.15**

And I think with respect to the design, just aside from the graphics, we are concerned about its location within the National Register District, of course, and the adherence and compliance with the Secretary of Interior Standards.

In this case, I would think it would be rehabilitation. And I assume that's going to be ongoing, because there will be, especially if the Port is going to follow its usual procedure of requiring this to be submitted for, I think, I don't know, since this is a nonprofit, but submitted for tax credits? Are they making them do that or not? It's not a for-profit developer. (*Commissioner Sugaya, March 5, 2009*)

**Response 5.15**

The commentor indicates that one method of ensuring compliance with the *Secretary's Standards* is through review associated with the historic preservation tax credit process and asks whether the Project Sponsor will be applying for historic tax credits and whether the Port will require application. Compliance of the Project and Expanded Project with the *Secretary's Standards* is discussed in the DEIR on p. III.D-23. Additional analysis of the Project under the Secretary of the Interior's Rehabilitation Standard #9 is included in Master Response 3, p. C&R-14.

The Port is requiring compliance with the *Secretary's Standards* as part of the Lease and LDDA agreements. Therefore, irrespective of whether the Project Sponsor applies and receives tax credits based on compliance with the *Secretary's Standards*, the analysis in the DEIR of the Project and Expanded Project's consistency with the *Secretary's Standards* would not change. The Port is not requiring the Project Sponsor to apply for tax credits. However, the Project Sponsor has submitted an application for tax credits to the NPS.

**Comment 5.16**

So I can tell from, somewhat from the plans that are in the EIR, that there are large chunks of open space in the pier sheds. But one of the concerns, I think, is the actual approach and entry relationships to the interior volume. (*Commissioner Sugaya, March 5, 2009*)

**Response 5.16**

The commentor indicates that one of the preservation concerns is the relationship between the entry into Pier 15 and its interior volume. The Project would not obscure any of the entries into the Pier 15 Bulkhead Building or transit shed, nor the connection between the bulkhead building and the transit shed. The Project features a clear glass low interior partition between the bulkhead building and transit shed, thereby maintaining visual access down the length of the transit shed. The Project maintains the primary entrance at the bulkhead building, while also providing a secondary museum entrance on the west façade of the transit shed adjacent to the Valley, with views into the pier shed.



As stated on p. III.D-16 of the DEIR, the open interior spatial character and other interior elements are character-defining features of Pier 17. As stated in the DEIR on p. III.D-31 rehabilitation and new construction within the interior of the Pier 17 Transit Shed would include construction of interior partitions and similar tenant improvements as found in the Project. The Expanded Project would alter the interior spatial character of the Transit Shed by constructing new interior partition walls. The existing non-historic interior office partitions would be demolished, and the historic office located at the west end would be retained.

The character-defining features of the interior of Pier 17 would be preserved with adherence to performance criteria included required in Mitigation Measure M-CP-1. In particular, Performance Criteria No. 9, pp. III.D-44 and III.D-45, requires the Project Sponsor to carefully consider the open interior spatial quality, amount of daylight, and exposed structural system of the Pier 17 Transit Shed, which are all character-defining features of the Pier 17 interior. Therefore, implementation of Mitigation Measure M-CP-1 would ensure that the approach and entry relationships to the interior volume that contribute to the historic character of Pier 17 would be preserved.

Additional information may be obtained from the Project Description in the DEIR, pp. II-8 through II-18. Additional graphics have also been included to illustrate the floor plans and building elevations for the Project and Expanded Project. The revised Project Description graphics are presented on in Figures C&R-3 through C&R-10 on pp. C&R-35 through C&R-45 of this Comments and Responses document. The graphics are intended to provide the reader with additional detail regarding the Project and the Expanded Project, and do not change the conclusions in the DEIR.

## 6. TRANSPORTATION AND CIRCULATION

### Comment 6.1

The DEIR does not adequately address the project's potential impacts on transportation and circulation.

The following are some key transportation issues needs further discussed by the DEIR:

Curb changes. We would like to understand the impact of extensive cut outs/white zones/drop off zones on pedestrians and bicycles/bicycle lanes along on Herb Caen Way. (*Vedica Puri, Telegraph Hill Dwellers, March 5, 2009*)

### Response 6.1

The commentor requests an explanation of how pedestrians and bicyclists on Herb Caen Way would be affected by the passenger and bus drop off zones. This has been addressed on pp. III.E-36 through III.E-42 of the DEIR.

The pedestrian impact evaluation is presented on pp. III.E-36 through III.E-41 of the DEIR. The sidewalk area in front of Pier 15 would remain similar to its current configuration, with a minimum width of approximately 25 feet at the existing two-car parking indent, although the indent would be extended south by approximately 75 feet to accommodate the passenger loading/unloading zone. The existing 33 foot-wide sidewalk area in front of Pier 17 would be expanded as part of the Project. The area between the curb edge and the raised portions of the Art Ribbon would be narrowed by approximately nine feet to provide for bus passenger loading and unloading. See Appendix B of the DEIR for a diagram showing the dimensions of the bus and passenger loading/unloading zones and their relation to Herb Caen Way in front of Piers 15/17.

The impact of the loading and unloading of buses in front of Pier 17 and other visitors in front of Pier 15 was found to be less than significant because it is not anticipated to impede pedestrians on the promenade. The Project Sponsor has developed a plan to minimize any disruptions to pedestrian flows along the promenade. The designated bus passenger staging areas in front of Pier 17 and the use of "Explainers" would minimize the time that students or other visitors are on Herb Caen Way in the path of passing

pedestrians and bicyclists. A Transportation Monitor would communicate to passing pedestrians and bicycle riders on Herb Caen Way that caution should be exercised.

The bicycle impact evaluation is presented on p. III.E-41 of the DEIR. To facilitate efficient and safe interactions between vehicles using the two proposed curb indents and bicyclists traveling northbound on Bicycle Route #5, the Project would include the following design features: (a) install a lane separator curb system in front of the Pier 15 passenger loading/unloading curb indent; (b) stencil bicycle symbols adjacent to the bus and passenger loading/unloading curb indents; (c) install appropriate signage at the curb; (d) increase the depth of the bus loading/unloading curb indent from 8.5 feet to 9 feet; (e) paint a continuous line demarcating the inside (east) edge of the bicycle lane from the two curb indents; and (e) prepare a Transportation Management Plan (TMP). See Appendix B of the DEIR for a diagram showing the dimensions of the bus and passenger loading/unloading zones and their relation to the northbound bicycle lane.

The impact of the loading and unloading of buses in front of Pier 17 and other visitors in front of Pier 15 was found to be less than significant because the implementation of the above-noted design features would minimize potential hazardous conditions for bicyclists.

## **Comment 6.2**

Bus impact. Where will the buses park after dropping off field trip school children? (*Vedica Puri, Telegraph Hill Dwellers, March 5, 2009*)

## **Response 6.2**

The commentor asks where buses will park after dropping of passengers at the Exploratorium. This has been addressed on p. III.E-45 of the DEIR. The Project Sponsor would lease an off-site location to accommodate field trip and tour buses; three potential Port sites are: 1) the Valley between Piers 27/29 on The Embarcadero between Battery and Sansome Streets, 2) Piers 30/32 on The Embarcadero at Brannan Street, and 3) Seawall Lot 349 located at Pier 70 at the end of 20th Street.



**Comment 6.3**

Parking impact. If Seawall Lot 321 across the street is changed from a long term parking lot to 1 hr parking, where will the longer term parkers relocate? What are the available alternatives? The impact on the surrounding neighborhood must be studied. (*Vedica Puri, Telegraph Hill Dwellers, March 5, 2009*)

**Response 6.3**

The commentor asks about the affect on long-term parkers if Seawall Lot 321 is converted to short-term parking. A parking study was performed as part of the Transportation Study for this Project to determine the current availability of both short-term and long-term parking in the Project vicinity. The results of the parking study (see p. III.E-17 of the DEIR) indicate that there is currently a substantial surplus of parking available in the Project Site vicinity. Based on field observations, it was found that the current off-street parking occupancy is 78 percent during the weekday midday, 32 percent during the weekday evening, and 32 percent during the weekend midday. Therefore, any potential displacement of long-term parkers from Seawall Lot 321 could likely be accommodated in nearby facilities.

**Comment 6.4**

Ferry and water taxi service. Ferry service should be integral to the project. Since fast ferries have been proposed for transit to the North and South bays, ferry service should be integral to the project. In addition, water taxis should be utilized. (*Vedica Puri, Telegraph Hill Dwellers, March 5, 2009*)

**Response 6.4**

The commentor notes that ferry service and water taxis should be integral to the Project. The Project would provide a boat dock for water taxi service along the south apron of Pier 15; the facility would be able to accommodate water taxis and other small watercraft if and when such a service becomes available. The water taxi landing is described on p. II-21 of the DEIR and in further detail in Response 2.8 on p. C&R-57. While the physical structure of the landing is analyzed in the DEIR, the Port would have responsibility for making any necessary arrangement with water taxi operators. Additional information regarding the water taxi landing is provided under Response to

Comment 2.8, p. C&R-57. Ferries operate at the Ferry Building, a several minute walk from the Project Site, and the Project Sponsor would encourage visitors to use ferries.

**Comment 6.5**

While the curbside private vehicle and bus drop-off areas are convenient for museum visitors, these loading/unloading areas encourage multiple vehicle crossings of the existing northbound bike lane and reduce the width of the existing Promenade. Despite the design features highlighted in this document, we continue to have concerns about the safety of bicyclists and pedestrians within the project area. (*Laura Thompson, SF Bay Trail, March 16, 2009*)

**Response 6.5**

The commentor is concerned about the safety of bicyclists and pedestrians within the Project vicinity. The Project impacts on bicycle and pedestrian conditions in the Project vicinity have been evaluated in the DEIR pursuant to the two significance criteria that relate to pedestrians and bicycles (see p. III.E-19 of the DEIR).

The pedestrian safety analysis found that the impact of vehicles traveling along The Embarcadero and vehicles crossing the promenade would be less than significant. Additionally, the analysis found that the loading/unloading of bus passengers in front of Pier 17 would not create hazardous conditions for pedestrians. See pp. III.E-36 through III.E-41 of the DEIR for further details on the pedestrian impact evaluation.

The bicycle safety analysis found that the impact of buses and vehicles utilizing the loading/unloading curb indents in front of Pier 15 and Pier 17 would be less than significant. The implementation of several design features as part of the Project would serve to minimize potential hazardous conditions for bicyclists. The design features are: (a) install a lane separator curb system in front of the passenger drop-off/pick-up curb indent; (b) stencil a bicycle symbol adjacent to the bus and passenger loading/unloading curb indents; (c) install appropriate signage at the curb; (d) increase the depth of the bus loading/unloading curb indent from 8.5 feet to 9 feet; (e) paint a continuous line demarcating the inside (east) edge of the bicycle lane from the two curb indents; and (e) prepare a TMP. Please refer to p. II-24 of the DEIR for further detail on the design features noted above. See p. III.E-41 for further details on the bicycle impact evaluation.

**Comment 6.6**

The Final EIR should address how the personal vehicle loading/unloading area and the bus loading/unloading area are functioning during museum hours AND when the museum is closed. A monitoring program should be established to determine whether the facilities are functioning in a safe manner. *(Laura Thompson, SF Bay Trail, March 16, 2009)*

**Response 6.6**

The commentor asks for a description of how the loading/unloading areas will function when the museum is closed. On p. III.E-44 of the DEIR, it is stated that garbage trucks would remove trash and recycling during the museum's off hours by parking in the proposed passenger loading/unloading curb indent in front of Pier 15. Since publication of the DEIR, the proposed location of the trash/recycling room has changed from the southwest corner of Pier 15 to the northwest corner of Pier 17. As such, garbage trucks would remove trash and recycling during the museum's off hours by parking in the proposed bus loading/unloading curb indent in front of Pier 17. A text change to the DEIR has been included to reflect this change, presented below. This change has been reviewed by the Planning Department and determined not to result in any new significant impacts or otherwise change the conclusions in the DEIR.

Apart from this short-term use by garbage trucks, parking would be prohibited at all times in both loading/unloading zones (Pier 15 and Pier 17). The Project Sponsor would install "No Parking" signs to enforce this prohibition; the installation and design of such signs would be coordinated with the MTA and approved by the Port and would conform to all relevant City codes and to the requirements under the Lease. During after-hours events, when the museum is closed to the general public, the Pier 15 curb indent may also serve as a valet drop-off for vehicle parking elsewhere.

Page III.E-44 of the DEIR will be modified to delete the last sentence of paragraph 3:

If extended, the curb indent would retain the existing curb cut leading to and from the Pier 15 Access Lane and this curb cut would be utilized for emergency access (e.g., police, ambulance). ~~Under both the Project and Expanded Project, garbage trucks would remove trash and recycling during the museum's off hours~~



~~by parking in the proposed passenger loading/unloading curb indent in front of Pier 15.~~

Page III.E-45 of the DEIR, will be modified to add the following sentence to the end of paragraph 3:

Under both the Project and Expanded Project, garbage trucks would remove trash and recycling during the museum's off hours by parking in the proposed bus loading/unloading curb indent in front of Pier 17.

Page II-22 of the DEIR will be modified to add the following paragraph after the paragraph 2:

Parking would be prohibited in the passenger loading and unloading curb indent in front of Pier 15 at all times. The Project Sponsor would install "No Parking" signs to enforce this prohibition; the installation and design of such signs would be coordinated with the MTA and Port and would conform to all relevant City codes and to the requirements under the Lease. During after-hours events, when the museum is closed to the general public, the Pier 15 curb indent may also serve as a valet drop-off for vehicles parking elsewhere.

Page II-24 of the DEIR will be modified to add the following paragraph before paragraph 1:

As noted for the passenger loading and unloading curb indent in front of Pier 15, parking would be prohibited at all times in the bus loading and unloading curb indent in front of Pier 17. The Project Sponsor would install "No Parking" signs to enforce this prohibition; the installation and design of such signs would be coordinated with the MTA and Port and would conform to all relevant City codes and to the requirements under the Lease.

The commentor requests that a vehicle loading/unloading monitoring program be implemented and that it address the function of the curb indents after-hours. As described in the DEIR p. II-24 and noted on p. III.E-41, a TMP is required to be prepared for the Project. The TMP would include procedures to ensure that the loading and unloading of passengers in front of Pier 15 and Pier 17 is conducted in a safe manner.

Additionally, the Port of San Francisco would require that a Transportation Report be submitted within six months following the opening of the museum and annually thereafter to document compliance with the TMP and detail the operational deficiencies of the curb indents, if any, and proposals to address the deficiencies. The Transportation Report would include proposals to address any deficiencies identified (Letter from the Port of San Francisco to SF Planning Department, March 24, 2009).

**Comment 6.7**

I think there is a potential problem with the bus drop-off for the children, and I would like to recommend that it not be moved from the front of the building, because I think children's safety is of paramount importance. (*Bob Middlestar, March 5, 2009*)

I'm Morton Beebe, 150 Lombard, the waterfront.

I am a many-year resident of Telegraph Hill, down on Lombard Street on the second block of the waterfront. I know the area well. The addition of the Ferry Building's remodel and the farmer's market on Saturday mornings draws an enormous amount of traffic and is enormously successful.

We're there every week. I can see in terms of traffic flow, drop-off, all those factors, that the consideration of the Exploratorium is quite important, in that it will draw a lot of traffic, both for kids and adults. I think it's a very positive impact on the area.

I think everything they have in their drawings, their outline, the way they conduct themselves in the Exploratorium, where they are, is excellent, and I hope you will be endorsing their efforts in the near future. I thank you very much. (*Morton Beebe, March 5, 2009*)

Hello. My name is Sarah Delaney, 93 Thorn Street. I'm a science teacher here in San Francisco, and I've taught at public school and at private school, and I teach middle school, which is probably the most challenging age to teach when you're trying to organize groups of kids.

I wanted to say that I support the findings of this report, and I do think it's very important that we continue to focus on safety of children and accessibility for children and, basically, more than anything, the enjoyment of the people going there. And if teachers and parents and kids are stressed because of other factors, it's going to decrease that enjoyment and the learning experience.

So I wanted to just support that the bus dropoff continues to stay on the same side as the museum. And I appreciate all your work. I'm very excited about this. (*Sarah Delaney, March 5, 2009*)

My name is Tim Roche, I live at 3727 25th Street. I'm an avid bicyclist. I live and bike here. I don't think that the move and the bus cutoffs being on the same side of the Exploratorium should have any serious detrimental effect on the bike traffic. Thank you. *(Tom Roche, March 5, 2009)*

### **Response 6.7**

The commentors support the location of the bus loading/unloading zone in front of Pier 17 and the passenger drop-off zone in front of Pier 15. These locations are consistent with the Project as described in the DEIR.

## **7. BIOLOGICAL RESOURCES**

### **Comment 7.1**

I kept hearing through the grapevine that the design for the new Exploratorium building has glass walls, with a glass railing on the roof and one or more glass walkways connecting the piers. We'd all love to see the Exploratorium at Piers 15/17, but not in a building that creates a problem for wildlife. Seabirds like endangered California brown pelicans soar along the waterfront, often skimming over the piers. All that glass at the end of Pier 15 could be a dangerous, invisible hazard for them, whether the glass is reflective or "see-through." I'm concerned that seabirds might think they can fly straight through the walls and BOOM!

I went to the Exploratorium's presentation at the Chinatown library and asked about this issue. I was told that the glass walls will have some sort of "glaze" that makes it visible to birds. My question is this: Do you know of any other buildings that use this glaze? The Exploratorium people do seem to be concerned about this issue, but they couldn't give me specific information about the glaze, or proof that it actually works to prevent bird deaths.

Mark Bittner and I are taking care of a parrot from the wild flock who bashed into a glass windscreen at full speed on top of a Telegraph Hill deck and went into a coma. She couldn't go back to the flock when she came to, because she has vision problems in one eye, which must have hit the glass. Mark and I have had "Big Bird" for six years and will take care of her for the rest of her life. Glass windscreens that stick up higher than the roof, such as the one on the Exploratorium, are particularly hazardous for birds.

It would be very bad p.r. (and possibly illegal) for the Exploratorium to harm a federally endangered species. I'm particularly sensitive to brown pelicans because they're the subject of my new documentary, "Pelican Dreams." (An earlier film I made is entitled "The Wild Parrots of Telegraph Hill.") The smartest, most prudent policy in a "green" city such as San Francisco would be to ban reflective and see-through building materials from all new construction. Our fellow avian residents will thank us. *(Judy Irving, February 25, 2008)*



Significant adverse effects of the proposed Bridge Building on Birds/Biological Resources is not considered. The DEIR fails to consider the potentially significant impacts on birds flying into the large expanses of glass that will comprise the structure proposed to be constructed at the end of the pier shed. The glass railings proposed to enclose the roof deck will increase these impacts further, as would the glass bridges, particularly the second bridge contemplated to be constructed to link the Bridge Building to Pier 17 in the "Expanded Project" at the second level. (*Vedica Puri, Telegraph Hill Dwellers, March 5, 2009*)

The EIR should also discuss the potential for bird strikes from new structures and windows proposed as part of the project and whether measures to prevent bird strikes that are recognized as effective in the scientific literature can address this issue. (*Ming Yeung, BCDC, March 16, 2009*)

Here's one I like. You know how proud we are of our wild parrots of Telegraph Hill. A significant adverse effect of the proposed bridge building on birds and biological resources is not considered.

The DEIR fails to consider the potentially significant impacts of birds flying into the large expanses of glass that will comprise the structure, comprise -- increase these impacts -- let me start all over again.

The DEIR fails to consider the potentially significant impacts of birds flying into the large expanses of glass that will compromise the -- increase these impacts -- gee, I'm telling you, today is bad -- will compromise the structure, the structure proposed to be -- the glass ceilings will increase these impacts further, as will the glass bridges, particularly the second bridge, contemplated to be built to Pier 17, in the expanded project, the second level. (*Gerry Crowley, March 5, 2009*)

I am not certain that, from my first review of it, that the concept of that much glass, as to impact on birds, the Audubon Society is upset, as well as others -- as well as additional light pollution -- totally works. (*President Miguel, March 5, 2009*)

Regarding the bird issue, there are other places in the United States that are high-rises. They are on Port property. If you go to New York City, they have high-rise buildings made of glass. Maryland also has glass there. The question of where the birds come and how they hit, granted there's different cities and they have different rules and regulations. (*Commissioner Lee, March 5, 2009*)

Finally, on the issue of the birds, a couple of weeks ago I thought they were higher buildings and they were mistaking them for stars. So this may be lower-flying birds. I'm not quite sure what that commentary was.

I didn't analyze it. I'm not sure that it has to, in my opinion. (*Commissioner Antonini, March 5, 2009*)

**Response 7.1**

The commentators raise the concern that the glazing on the New Bridge Building may result in bird strikes. Expert literature on this topic indicates that birds cannot see glass walls/windows and hit them primarily for one of two reasons: 1) glass reflection – from the outside of most buildings, glass appears highly reflective, mirroring the outside environment; and 2) transparency – birds can see into the buildings and try to reach perches, potted plants, water sources and other lures located inside the building.<sup>7</sup> Additionally, at night, illumination of buildings can create a beacon effect, attracting and confusing migratory birds.

The Bridge Building has been designed in accordance with the New York City Audubon's "Bird-Safe Building Guidelines" and is consistent with additional guidance provided by the Planning Department. These guidelines recommend using fritted glass – glass with spaced ceramic enamel patterns that make the glass appear less transparent to birds, while allowing building occupants to see out. The Exploratorium is proposing to use a fritted glass with approximately 50 percent coverage on the west façade of the Bridge Building, and approximately 25 percent coverage on the east façade. The fritted percentage is based on balancing several issues, such as guidelines for bird-safety, the desire to allow views outside the building and light into the building, and minimizing the heat gain effect. The differing percentages of fritted glass on the east and west façade is influenced by the need to reduce heat gain as a California Code of Regulations Title 24-compliant building. The visual distance between the pattern would be less than four inches across and two inches high, in accordance with the guidelines.<sup>8</sup>

Additional guidance recommends the use of a cover on the glass. Window shades/blinds would be used to reduce the transparency of the glass and to reduce the light or views into the space if there is an event or a special exhibit that requires it. The window shades would also be used to handle the glare of a low sun rise/set. Additionally, to reduce the night-time illumination, the Exploratorium would use

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<sup>7</sup> New York City Audubon, Bird-Safe Building Guidelines. May 2007.

<sup>8</sup> Randi Doeker, Birds and Buildings Forum, Bird-Safe Design Practices. October 27, 2005.

automated lighting controls with occupancy sensors so that the lights would only turn on when someone is in that particular room. This would significantly reduce the amount of night-time lighting. These design features would ensure that construction and operation of the Project and Expanded Project would have a less-than-significant impact on threatened, endangered, or protected birds.

Text has been added to the DEIR to identify the use of fritted glass on the Bridge Building. Page II-14 of the DEIR will be modified to add the following sentence after the third sentence of paragraph 2:

The Bridge Building would be constructed with concrete, steel, glass, and fritted glass. Fritted glass contains spaced ceramic enamel patterns that make the glass appear less transparent to birds, while allowing a degree of transparency that would allow for views into and out of the building. The fritted glass would be applied to approximately 50 percent of the west façade of the Bridge Building, and to approximately 25 percent on the east façade.

#### **Comment 7.2**

Fish, Other Aquatic Organisms and Wildlife. The policies in this section address the benefits of fish, other aquatic organisms and wildlife and the importance of protecting the Bay's subtidal habitats, native, threatened or endangered species and candidates for listing as endangered or threatened. The EIR should include more information on the proposed Bay water pumping system and address how the construction and use of this system would meet these policies and minimize impacts to special-status species and habitat in the Bay. Other Bay Plan policies may apply to this component of the project, but it is unclear at this time, what this system would involve. (*Ming Yeung, BCDC, March 16, 2009*)

#### **Response 7.2**

The commentor requests additional information on the Project's proposed Bay water pumping system and details on how the system would be designed to minimize impacts to special-status species and habitat in the Bay. As described on p. III.H-22 of the DEIR, the Bay water heating and cooling system would be designed in accordance with State and federal regulations, and the Project Sponsor would obtain permits and approvals from a variety of agencies, including the California Regional Water Quality Control Board (CRWQCB), Corps, and BCDC as applicable. This process will include the



permitting agencies' consultation with agencies responsible for natural resources as needed, potentially including NOAA Fisheries and the California Department of Fish and Game (CDFG). These requirements on the Bay water heating/cooling system would include limits on the screen size to reduce intake of sediment and other materials and to maintain intake velocities. Requirements would also include methods for cleaning the intake to ensure that the velocities remain constant, and provisions to ensure that the discharged water would not substantially raise water temperatures. The following additional information has been added to the Project Description to describe the proposed Bay water pumping system.

Page II-20 of the DEIR will be modified to add the following heading and paragraphs before the heading "Maritime Uses:"

#### **Bay Water Heating and Cooling System**

Operation of the Project and Expanded Project would include a Bay water pumping system that would pump in water for heating and cooling of the Exploratorium buildings. The base heating and cooling distribution system would be hydronic with in-slab radiant tubing and radiant manifolds. Electronic water source heat pumps using Bay water as the heat sink would provide a low temperature (100 degrees Fahrenheit) heating hot water source for the radiant slab system and incoming fresh air from the air handlers. The cooling system would also use Bay water. Bay water would be used as a free cooling source when Bay water temperature is below 59 degrees Fahrenheit. Bay water would not be fed directly into the heating and cooling system. A series of filters and an ultraviolet sterilization system would treat the water before it enters the system and prior to return of water to the Bay. No chemical treatment of water would be used in the system. The Bay water intake screen would meet criteria to minimize impingement and entrainment of locally present fish. The system would also be designed to minimize temperature increase of the surrounding Bay water and would meet the requirements of the California Regional Water Quality Control Board (CRWQCB).

The system has been initially designed to incorporate input from applicable permit agencies, including a preliminary review by CRWQCB. The specific details of the system would be finalized during the Construction Documents

phase with input from the various permitting agencies, including the CRWQCB, Corps, and BCDC as applicable. The system would be designed with the best available technology in accordance with state and federal regulations. The process would include the permitting agencies' consultation with agencies responsible for natural resources as needed, potentially including NOAA Fisheries and CDFG.

The additional information above does not change the conclusions reached in the DEIR that the Project and Expanded Project would result in less-than-significant biological resources impacts with implementation of mitigation measures.

## 8. HYDROLOGY AND WATER QUALITY

### Comment 8.1

The *SAP* identifies specific piers along the San Francisco waterfront for removal to restore and preserve significant areas of open water along the shoreline. Open water areas benefit Bay water circulation and effective tidal action. Policy 1 of the Water Surface Area and Volume section of the Bay Plan states that the surface area of the Bay and the total volume of water should be kept as large as possible and that filling that reduces area and water volume should be allowed only for purposes providing substantial public benefits and only if there is no reasonable alternative. If the proposed project does not include removal of the valley and the non-historic shed additions as required in the *SAP*, it is possible that the Commission may require removal of an equal amount of fill elsewhere along the San Francisco waterfront as mitigation. Since the Commission cannot authorize this project as proposed without amending the *SAP*, this conflict with the fill removal requirements constitutes a potentially significant effect on the environment. The EIR should consider the potential impacts to Bay resources from retaining, rather than removing the fill. (*Ming Yeung, BCDC, March 16, 2009*)

### Response 8.1

The commentor requests that the EIR consider potential impacts to Bay resources from retaining and/or adding fill, rather than removing fill at the Project Site.

The Project Sponsor proposes amendments to the *WLUP* and *SAP*, as described in the DEIR p. III.B-1, to reflect the fact that the Project and the Expanded Project would not remove the entire Valley deck, nor all of the pilings supporting the deck, nor the non-historic shed additions. BCDC staff has requested that the Project Sponsor undertake elsewhere in San Francisco Bay the removal of pile-supported fill that is not otherwise designated for removal. These discussions are ongoing, and the precise amount,

location and timing of fill removal have not yet been identified. The proposals have ranged from removal of approximately 10,000 to 100,000 sf of fill, with the work to be completed within a range of 1 to 20 years following Project completion.

Bay fill is generally considered to have adverse environmental consequences on water quality and marine biology, and accordingly fill removal is generally considered to be environmentally beneficial. However, the activity does have the potential for construction-related impacts under the following topics, discussed below: Water Quality and Biological Resources, as well as Transportation, Air Quality, Noise, and Hazardous Materials.

**Description of Activity.** The activity may consist of identifying one or more deteriorated piers on the San Francisco waterfront and undertaking the removal and disposal of any remaining deck materials and timber support piles. The first phase of work would involve a survey to investigate current conditions and confirm (by visual inspection) whether the piles (and decking if applicable) are treated with a preservative, typically creosote. The structures would also be surveyed by a qualified biologist to evaluate whether the piles and appurtenant wood structures slated for removal may be used as nesting sites by birds, such as western gulls. Based upon the survey, the Project Sponsor would work with the Port to identify appropriate measures to be undertaken pursuant to the contractor's Environmental Protection Plan ("EPP") to ensure that any hazardous materials would be handled and disposed of properly during the removal activities. The Project Sponsor then would submit necessary applications to Regulatory Agencies (discussed below). The fill removal activity would also require water quality-related permits or authorization from the CRWQCB, Army Corps of Engineers (Corps) and BCDC, as-needed, depending on project-specific requirements, and a building or encroachment permit from the Port. These permits would include water quality protection provisions, as described in the DEIR Section III.I that would be incorporated into the EPP.



Using a barge-mounted crane, piles would be broken or cut at or just below the mud line. Piles and other remnants of derelict wood structures would be removed and lifted onto a barge or truck and transported to an appropriate facility for temporary storage and subsequent disposal. Creosote-treated piles would be handled and disposed of in accordance with State regulations regarding management of treated wood waste (*California Code of Regulations*, Title 22, Div. 4.5, Ch. 34).

**Water Quality.** The construction-related effects of the Project and the Expanded Project on Water Quality are described on DEIR p. III.I-24. The text describes the various activities in and around the water that have the potential to impact water quality, including the delivery, handling and storage of construction materials and wastes, the use of construction equipment, and demolition involving existing structures over water and their repair and/or replacement. The analysis concludes that potential violation of water discharge requirements and water quality standards during construction would be less than significant because the Project and the Expanded Project would be required to comply with the 401 Certification, 404 Corps Permit, BCDC Major Permit, and the EPP. This analysis and conclusions are not site-specific, and apply equally to the fill removal activities. Additional text has been added to the DEIR to address these fill removal activities.

Page II-28 of the DEIR will be modified to add the following paragraph after paragraph 2:

The Port's Waterfront Land Use Plan and Bay Conservation and Development Commission's Special Area Plan designate the entire Valley and supporting piles for removal at the Project Site. The Project and the Expanded Project would not remove the entire Valley deck and all of the pilings supporting the deck. Construction activities for the Project and Expanded Project may include removal of pile-supported fill at a location along San Francisco's southern waterfront that is not otherwise designated for removal.

Page III.I-24 of the DEIR will be modified to add the following paragraph after paragraph 3:

The Project and the Expanded Project would not remove the entire Valley deck and all of the pilings supporting the deck, as required by the WLUP and SAP. The policies in both plans require removal of all fill associated with the Valley including the support pilings. Construction activities for the Project and Expanded Project may include removal of pile-supported fill at a location along San Francisco's southern waterfront that is not otherwise designated for removal. The precise amount, location and timing of fill removal have not yet been determined.

The additional information above does not change the significance of conclusions reached in the Water Quality section of the DEIR, and the analysis is otherwise unchanged.

**Biological Resources.** Construction-related impacts of the Project and the Expanded Project on Biological Resources are described on DEIR p. III.H-21. The impact discussion under BI-1 (threatened, endangered or protected species) and BI-6 (Pacific Herring) determines that the Project and the Expanded Project would be required to comply with environmental work windows as part of the permitting process, including the Corps permit. Such compliance would ensure that impacts on threatened, endangered or protected species and Pacific Herring would be less than significant. Construction activities for the Project and Expanded Project may include removal of pile-supported fill at a location along San Francisco's southern waterfront. There are no additional species of concern beyond those discussed in the DEIR at the sites being considered for potential fill removal. No specific pier or fill has yet been identified along the southern waterfront to offset the fill that would not be removed at the Project Site. However, the removal of fill at another location would require permits from CRWQCB, Corps, and BCDC. The permits would include conditions such as work windows and other measures to avoid potential impacts to biological resources. The permits for this work would be similar to the permits required for fill removal and other water-related

construction activities at the Project Site. Additional text has been added to the DEIR to address these biological resource concerns associated with this fill removal.

Page III.H-21 of the DEIR will be modified to add the following sentence to the end of paragraph 3:

This includes construction activities related to the potential removal of pile-supported fill in San Francisco's southern waterfront under the Project and Expanded Project.

Page III.H-22 of the DEIR will be modified to add the following text to paragraph 3:

Habitat required by other species listed in Table III.H-1, p. III.H-5, is not present within the Project Site and ~~therefore, they~~ such species are not expected to be found within the Project Site or elsewhere along San Francisco's southern waterfront. In light of the above, the Project and Expanded Project would have a less-than-significant impact on threatened, endangered, or protected species. Accordingly, no mitigation would be required.

Page III.H-25 of the DEIR will be modified to add the following text to the last sentence of paragraph 1:

Neither dredging, pile driving, nor any work in the water that could generate sediment would be conducted during spawning season, including the removal of fill elsewhere along San Francisco's southern waterfront.

The fill removal elsewhere along the waterfront also has the potential to create impacts under BI-5 (Western gulls), depending on the location of the removal site. The DEIR includes Mitigation Measure M-BI-1, which would also apply to fill removal activities, and would avoid any significant adverse effects on Western gulls.

The additional information above does not change the significance of conclusions reached in the Biological Resources section, and the analysis is otherwise unchanged. In addition, the possible removal of fill would not change the conclusions reached in the DEIR related to the spread of invasive nonnative species. Effects to fish and marine



mammals resulting from construction-related sound waves would be addressed in the EPP and in the permitting process with Corps and BCDC.

**Construction-Related Noise, Air Quality and Transportation.** The Initial Study analyzes construction-related noise on p. 34 and concludes that because compliance with the Noise Ordinance would prevent construction during designated sleeping hours, and due to the temporary nature of the construction activities, potential construction noise and vibration impacts from the Project and Expanded Project would be reduced to a less-than-significant level. The same would be true for construction-related noise associated with fill removal.

The Initial Study analyzes construction-related air quality on p. 37 and concludes that with implementation of Mitigation Measure 1 (construction air quality), construction air quality impacts of the Project and Expanded Project are less than significant. The measure addresses impacts associated with demolition of structures over water, and transportation of materials, and so would also apply to fill removal. Accordingly the conclusions related to construction-related air quality also apply to fill removal.

DEIR p. III.E-47 and III.E-48 analyzes construction-related transportation impacts and concludes that the impacts would be insignificant because of their temporary and limited duration. The same would be true for construction-related transportation impacts associated with fill removal.

The significance conclusions in the construction-related noise, air quality and transportation sections remain valid, and the analysis is otherwise unchanged.

**Hazardous Materials.** The Initial Study analyzes hazardous materials on pp. 54 through 60 and states that "construction activities could encounter a number of hazardous building materials." The Initial Study concludes that encounters with hazardous materials would be reduced to less-than-significant levels because established regulations and procedures would address such concerns. The same would be true for construction-related encounters with hazardous materials associated with fill removal.

Piles and other remnants of derelict wood structures would be removed and lifted onto a barge or truck and transported to an appropriate facility for temporary storage and subsequent disposal. Creosote-treated piles would be handled and disposed of in accordance with State regulations regarding management of treated wood waste (California Code of Regulations, Title 22, Div. 4.5, Ch. 34).

**Comment 8.2**

Bay Plan Policies.

The following are several other categories of issues raised by the proposed project's DEIR that the Commission has addressed through its Bay Plan policies:

Dredging. As discussed in the DEIR, the proposed project would involve dredging between Piers 17 and 19 to a depth of 20 feet in order to accommodate Baydelta Maritime's tugboats. The Commission's dredging policies state, in part, that dredging should be authorized when the Commission can find that "dredging is needed to serve a water-oriented use or other important public purpose, such as navigational safety" and "the siting and design of the project will result in the minimum dredging volume necessary for the project." The EIR should address how the goals of the project can be achieved while minimizing the volume of dredging. (*Ming Yeung, BCDC, March 16, 2009*)

**Response 8.2**

The commentor states that the EIR should address how the Project can minimize dredging. Dredging of the basin between Piers 17 and 19 is for the benefit of a maritime user, a tug and tow operator, and therefore serves a water-oriented use and is consistent with the Commission's dredging policies. The relocation of the maritime tug and tow operation from Pier 15 to Pier 17 and the associated dredging is necessary to achieve the important public purposes associated with the Project, namely, allowing for the public lobby, and Bayside History Walk inside Pier 15, and creating new public access on the south apron of Pier 15. If the maritime tug and tow operations were not relocated to the Pier 17 north apron, these project/program features could not be implemented at Pier 15 because public access and tug and tow operations are not compatible at the same location.

If the maritime tug and tow operations remained at Pier 15, Project goals would not be met because:

- There would be no public access on the Pier 15 south apron, and
- the Project would have to eliminate core programs and/or features, because there would not be enough space in Pier 15.

With respect to minimizing dredging, the Project is proposing to dredge the minimum amount necessary to accommodate Baydelta's operations with regard to depth and width. The draft required for the tractor tugs is 20 feet but the standard dredging industry process is to apply for an over-dredge of 1 to 2 feet in order to ensure that the minimum clearance is achieved. Accordingly, the Project is proposing to dredge up to 22 feet. The entire water basin between Piers 17 and 19 is currently proposed to be dredged.

### **Comment 8.3**

The DEIR states that an Anchor Environmental study conducted in 2006 anticipated that the sediments would be approved for in-Bay disposal at the Alcatraz (SF-11) disposal site. The EIR should more thoroughly address dredging and disposal issues recognizing that: (1) the Dredged Material Management Office (DMMO) has not taken action on the proposed dredged material quality or disposal options and may require additional testing before taking action; and (2) the Commission's policy preference is for beneficial reuse of dredged material, where feasible.

The EIR should analyze the proposed project with respect to the Commission's policy preference for beneficial reuse of dredged material, particularly in the case of deepening projects (as opposed to maintenance dredging). In particular, the EIR should identify beneficial reuse sites that are currently available and analyze the potential for additional sites to be created. In addition, some evaluation of the need to perform future maintenance dredging should be discussed in the EIR. (*Ming Yeung, BCDC, March 16, 2009*)

### **Response 8.3**

The commentor states that the EIR should more thoroughly address dredging and disposal issues and should consider beneficial reuse of dredged material. The DMMO has not yet completed its review of the Project Sponsor's dredging application but information on available wetland restoration sites for the beneficial reuse of dredged materials is noted in the Consolidated Dredging-dredged Material Reuse/Disposal



Application. The Integrated Alternatives Analysis (IAA), a report requirement of DMMO, states that tests of sediment samples will determine the appropriateness of disposal to several of these sites.<sup>9</sup> The volume and depth estimate for the proposed dredging between Piers 17 and 19 to accommodate tug boat operations has been conservatively increased from 71,211 cubic yards to 85,000 cubic yards and from a necessary depth of 20 feet to 22 feet.

Page II-20 of the DEIR, paragraph 1, last sentence will be modified as follows:

The water basin between Pier 17 and Pier 19 would require dredging to accommodate Baydelta Maritime's tugboats; ~~an estimated 71,211~~ up to 85,000 cubic yards of material would need to be dredged.

Page II-28 of the DEIR, paragraph 1, second sentence will be modified as follows:

~~An estimated 71,211~~ Up to 85,000 cubic yards of dredged material would need to be removed to accomplish the necessary depth of ~~20~~ 22 feet.

Page III-H.24 of the DEIR, paragraph 1 after Impact BI-4, first sentence will be modified as follows:

According to the Project Sponsor, ~~approximately 71,211~~ up to 85,000 cubic yards of sediment would need to be dredged from the Pier 17/19 Basin to accommodate Baydelta Maritime's tugboats.

Page III-H.25 of the DEIR, paragraph 2 after Impact BI-6, first sentence will be modified as follows:

Dredging required for the Project is estimated to generate a total of ~~about 71,211~~ up to 85,000 cubic yards of dredge spoils that would have to be disposed of.

Page III-I.24 of the DEIR, paragraph 3 after Impact HY-1, second sentence will be modified as follows:

~~An estimated 71,211~~ Up to 85,000 cubic yards (cy) of dredged material would need to be removed to achieve the necessary depth of ~~20~~ 22 feet.

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<sup>9</sup> Boudreau Associates, LLC, Exploratorium Pier 17/19 Maintenance Dredging, 2009 - 2011 Integrated Alternatives Analysis, March 2009.

Page III-I.29 of the DEIR, paragraph 1 after Impact HY-2, second sentence will be modified as follows:

It is estimated that approximately ~~71,211~~ up to 85,000 cubic yards of dredged materials would need to be excavated to accomplish the necessary depth of ~~20~~ 22 feet between Piers 17 and 19 in order to accommodate Baydelta Maritime's tugboats.

Page III-I.29 of the DEIR, paragraph 1 after Impact HY-2, forth sentence will be modified as follows:

Excavating ~~approximately 71,211~~ up to 85,000 cubic yards of dredged materials would also transport potentially contaminated sediment from its original location to the disposal site.

The IAA will evaluate several disposal options based on site availability, capacity, logistics, environmental suitability (including potential effects on air quality), economics, and the need to complete dredging according to the scheduled sequence. Options to be explored include in-bay disposal, deep ocean disposal, wetland restoration disposal sites, and landfills. The feasibility of disposal at any site would depend upon both physical and chemical characteristics of the dredge material, which have not yet been determined but would be determined prior to disposal.

If the dredged material is found unsuitable for unconfined aquatic disposal, three potential upland/wetland disposal options have been identified. These sites include the Montezuma Wetlands Project, Winter Island, and landfills for construction fill material. Suitability for unconfined aquatic disposal depends on contamination and soil/sediment characteristics of the dredged material.

Ultimately, it is the DMMO that would approve where disposal would be allowed. However, if material characteristics are suitable for unconfined aquatic disposal, in-bay disposal is preferred by the Project Sponsor because disposal at more expensive sites may compromise other Project objectives and public benefits, as further described in the IAA. The Project Sponsor would not be leasing the Pier 17/19 basin and would not be required to conduct ongoing maintenance dredging after the initial dredging episode.

The Port or the maritime tenant utilizing the Pier 17/19 basin would conduct ongoing maintenance dredging on an as-needed basis. Analysis of the potential need for maintenance dredging is complicated by the uncertainties and variability in the weather and sedimentation rates in the Pier 17/19 basin. Evaluating maintenance dredging needs in the Pier 17/19 basin, which has not been dredged in approximately twenty years, is difficult to predict. The volume of suspended-sediment transported into San Francisco Bay has decreased by about one-half over the past 50 years.<sup>10</sup>

There are multiple factors that would affect the sedimentation rate in the area; some of these factors are identified below:

- Hydrodynamic changes due to increased water depth; current velocities and circulation;
- Storm events;
- Upland sources of sediment (storm drains, surface run-off); and
- Vessel traffic and marine uses such as propeller wash.

All of these factors would affect sedimentation rates in the Pier 17/19 basin. A typical method for estimating future sedimentation is to compare older bathymetric surveys against newer surveys. However, that information is not available for the Pier 17/19 basin. Another method is to observe sedimentation rates at a nearby site to obtain a rough approximation of potential sedimentation rates; however, nearby sites may have significantly different sedimentation rates.

In conclusion, as stated on p. III.I-31 of the DEIR, the Corps, BCDC, RWQCB, and SLC all review the permit application to ensure that dredge operations would have a minimal effect on water quality and habitat. Therefore, with implementation of existing regulatory requirements, potential impacts of the Project dredging and sediment disposal operations on water quality would be less than significant. The additional

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<sup>10</sup> Scott A. Wright and David H. Schoellhamer. Trends in the Sediment Yield of the Sacramento River, California, 1957 - 2001. U.S. Geological Survey. 2004.



information above does not change the significance conclusions reached in the Water Quality section of the DEIR, and the analysis is otherwise unchanged.

**Comment 8.4**

Safety of Fills. Policy 4 in this section states that structures on fill or near the shoreline should have adequate flood protection including consideration of future relative sea level rise as determined by competent engineers. The following rates of global sea level rise are generally consistent with the California Climate Action Team Reports on Climate Change: (1) a low rate of 0.08 inches (2 mm) per year; (2) a medium rate of 0.18 in (4.6 mm) per year; and (3) a higher rate of 0.33 in (8.4 mm) per year. The EIR should analyze how the proposed structure would be designed to address future relative sea level rise. (*Ming Yeung, BCDC, March 16, 2009*)

**Response 8.4**

The commentor states that the EIR should analyze how the Project would be designed to address sea level rise. As noted in the discussion for Impact HY-3 on p. III.I-31 of the DEIR, under the worst-case sea level rise, the surfaces of both Piers 15 and 17 would not be inundated.

BCDC requests additional analysis of the Project and Expanded Project and provides a range of potential sea-level rise estimates consistent with research by the California Climate Change Center, including: (1) a low rate of 0.08 inches (2 mm) per year; (2) a medium rate of 0.18 in (4.6 mm) per year; and (3) a higher rate of 0.33 in (8.4 mm) per year. The Planning Department has analyzed sea-level rise using these rates as applied to the 66-year expected duration of the Project and Expanded Project (the proposed lease term and business plan for the Project and Expanded Project is for 66 years). As discussed below, the impacts of the Project and Expanded Project would be less-than-significant under BCDC's estimates, which is consistent with the determination in the Draft EIR.

Table C&R-2 presents BCDC's three levels of predicted sea level rise and the relationship of those rates to existing conditions at the Project Site over a 66-year period. It is reasonable to assume that the Project and Expanded Project would remain in operation for at least 66 years, the length of the lease term. After 66 years of operation, approximately 11 inches of clearance would remain at Pier 15 and approximately 14

inches of clearance would remain at Pier 17 when applying the high rate of sea level rise. It would be speculative to anticipate that operation of the Project and Expanded Project would continue for more than 66 years, particularly given some uncertainty associated with modeling sea-level rise far into the future (as further described below). Consequently, this significance analysis focuses primarily on the impacts during the 66-year life of the Project and Expanded Project, as shown in Table C&R-2. Under BCDC's suggested worst-case sea level rise conditions, after 90 years of operation approximately 3 inches of clearance would remain at Pier 15 and approximately 6 inches of clearance would remain at Pier 17. Under worst-case sea level rise conditions, the total water levels (TWL) would rise to the deck of Pier 15 in approximately 100 years.

**TABLE C&R-2**  
**PREDICTED SEA LEVEL RISE IN RELATION TO PROJECT SITE**

Predicted Rates of Sea Level Rise <sup>a</sup>		66 year - Total Predicted Sea Level Rise (inches) <sup>a</sup>	Existing Clearance Pier 15 (inches) <sup>b</sup>	Existing Clearance Pier 17 (inches) <sup>b</sup>	Remaining Clearance after 66 years (inches)	
					Pier 15	Pier 17
Rate	(inches/year)					
Low	0.08	5.28 in.	33 in.	36 in.	27.72 in.	30.72 in.
Medium	0.18	11.88 in.	33 in.	36 in.	21.2 in.	24.12 in.
High	0.33	21.78 in.	33 in.	36 in.	11.22 in.	14.22 in.

*Source:* a. Yeung, Ming, Coastal Program Analyst, Bay Conservation and Development Commission, Letter to San Francisco Planning Department, RE: Comments on the Draft Environmental Impact Report, March 16, 2009.

b. Federal Emergency Management Agency, Presentation to the San Francisco Port Commission on National Flood Insurance Program and Flood Insurance Rate Map, October 23, 2007.

*Note:* Assumes TWL under 100-year flood conditions and predicted sea level rise.

When trying to anticipate impacts associated with sea-level rise, it is recognized that efforts to model sea-level rise 100 years in the future are extraordinarily complex and subject to evolving understanding (and assumptions) regarding rates of future Green House Gas (GHG) emissions, rates of climate change, global hydrology issues, and many other contributing factors. The scientific community continues to refine and improve upon its approaches to modeling, and will continue to do so over the coming

years. Similarly, calculations of rates of sea level rise depend upon assumptions regarding the existence and success of efforts to reduce greenhouse gas emissions such as AB 32 and pending international accords. In coming years there is expected to be a better understanding of the potential for global GHG reductions, which can be factored into ever-improving scientific models.

BCDC has recommended that one means of responding to the uncertainty of today's environment is to utilize an adaptive approach to characterizing sea-level rise impacts; this approach recognizes that sea-level rise changes unfold over decades, which enables decision makers to observe progress and adapt to changing conditions. BCDC has recognized the value of such an approach, stating:

It is particularly difficult to develop a thoughtful strategy for dealing with sea level rise in the Bay when the temperature increase scenarios used by the California Climate Change Center yield possible increases in water level in San Francisco Bay over the next 100 years that have a tenfold difference between the lowest and highest potential increases. The uncertainties inherent in planning for the future can be reduced by half by developing a strategy with a 50-year time horizon and updating the strategy every ten years to incorporate emerging information. A 50-year planning horizon is short enough to offer more certainty, yet long enough to amortize most capital investments made in accordance with the strategy.<sup>11</sup>

As discussed above and in the Draft EIR, the difference between the TWL and the elevations of Piers 15 and 17 are sufficient to accommodate reasonable estimates of worst-case sea-level rise for more than 50 years as well as for the 66-year expected life of the Project and Expanded Project. (The Project and Expanded Project also accommodates sea-level rise for 100 years into the future.) Construction of the Project and Expanded

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<sup>11</sup> San Francisco Bay Conservation and Development Commission, "A Sea Level Rise Strategy for the San Francisco Bay Region," September 2008.



Project on these already-developed piers would not prevent the Port or other agencies from engaging in adaptive strategies in coming years for recognizing and responding to worsening sea-level rise scenarios. Thus, any impacts of the Project and Expanded Project related to sea-level rise are less than significant.

Notwithstanding the analysis above, the Port and the City will be paying close attention to guidance, policy recommendations, and any safety regulations promulgated for the purpose of addressing this issue including by BCDC. The City is hopeful that it can prevent worst-case scenarios from occurring through local, state, and international climate change prevention efforts sea-level rise is only one of the potentially catastrophic impacts that would result from failure to curb climate change. With regard to sea-level rise, the incremental nature of the change provides the City, BCDC, and other affected agencies with some time to identify the scope of the problem with increased certainty and coordinate a thoughtful and comprehensive solution to sea-level rise in San Francisco and the Bay Area. Irrespective of the environmental review process under CEQA, the City is committed to fully addressing this issue.

## **9. PUBLIC SERVICES**

### **Comment 9.1**

The SFFD is requiring clearance for permission to build structures. The applicant must follow the guidelines showing adequate hydrants, fire flow, fire department connections, and access roads. Please see the enclosed documents for guidance.

#### **New Buildings: Interim Guideline for Fire Clearance**

All new structures require a preliminary San Francisco Fire Department review to assure apparatus access and water supplies are sufficient per the 2007 California Fire Code and 2003 NFPA 14.

A SFFD pre-application review shall be required of all new structures prior to review by the Planning Department. A fee of \$190.00 shall be submitted by check payable to The SFFD for this review. Two sets of overall site plans shall be submitted, drawn to an indicated scale. Plans must be a minimum of 11" x 17". The scope of work must be indicated. This should be sufficient for most projects of limited size (e.g. smaller residential or commercial buildings on established, wide streets). Complex projects may require additional information. This review may be done over-the-counter on a case by case basis.

These items must be included in the plans:

1. Hydrant locations per 2007 CFC section 508 and Appendix C;
2. Fire flow calculations per 2007 CFC section 508 and Appendix B\*; the submittal shall include a processed water-flow request form with the supply demand graph showing flow at 20 psi.
3. Fire department connection location per 2003 NFPA 14 (if a standpipe system is required, a fire hydrant must be within 100 feet);
4. Fire apparatus access roads per 2007 CFC section 503 and SFFC Bulletin # 5.01. Include street widths, whether parking will be allowed and turnaround dimensions (where applicable).

\*Fire flow calculations must be signed by a C-16 contractor or licensed engineer. New highrise's fire flow calculations must be signed and stamped by an engineer. Per the IFC Applications manual, the sprinkler demand must be added to the minimum flow rate. (*Captain William Mitchell, SFFD, February 25, 2009*)

#### **Response 9.1**

The commentor, the San Francisco Fire Department (SFFD), requests that the Project follows the SFFD requirements pertaining to new construction. All issues raised in the commenter's letter would be addressed by the Project Sponsor and would be enforced by the Port Fire Marshal, who works for the San Francisco Fire Department. The Port Fire Marshal would require the Project Sponsor to follow SFFD guidelines and show on the construction drawings adequate hydrants, fire flow, fire department connections and access roads. He would also enforce the SFFD's guidelines concerning new structures and would require a preliminary SFFD review to assure that apparatus access and water supplies at Piers 15/17 would be sufficient per the 2007 California Fire Code and 2003 NFPA 14. Water supply and apparatus access for both the existing piers and the new structure (Bridge Building) would be reviewed by the Port Fire Marshal upon plan submittal, and he would ensure that all requirements set forth in the commentor's letter would be adequately addressed.

The Project Sponsor must comply with the “New Buildings: Interim Guideline for Fire Clearance” bulletin attached to the commentor’s letter. The following items would be included in the plans:

1. Hydrant locations per 2007 CFC section 508 and Appendix C;
2. Fire flow calculations per 2007 CFC section 508 and Appendix B, including a processed water-flow request form with the supply demand graph showing flow at 20 psi, signed by a C-16 contractor or licensed engineer, and including sprinkler demand;
3. Fire department connection locations per 2003 NFPA 14 and specifying whether a standpipe system is required; and
4. Fire apparatus access roads or plans per 2007 CFC section 503 and SFFC Bulletin #5.01.

Pre-application review meetings between the Port Fire Marshall and the Project Sponsor’s consultant team have already occurred and are in progress, as part of the Port’s pre-application process for building construction. All information set forth in the commentor’s letter has been requested from the Project Sponsor, and all requirements would be enforced by the Port Fire Marshal through the Port’s building permit process. Apparatus access would be addressed through a standpipe system in lieu of access roads.

## 10. ALTERNATIVES

### Comment 10.1

Why did the DEIR not consider alternative designs, more consistent with features, scale size, proportion, and massing of 15 and 17?

We urge that the final EIR that would increase the percentage of proposed new structures and obstructions within the valley be reconsidered. The current proposed plan calls for the bridge building to extend north 75 feet, and two bridges to stand in the valley. This will break the impact and limit visual obstruction.

Thank you for considering our comments, and we look forward to working with you and with the Exploratorium. (*Andy Katz, March 5, 2009*)



**Response 10.1**

The commentor asks why the DEIR did not consider alternative designs for the Project that are more consistent with the features, scale, proportion, and massing of the existing buildings on the Project Site. In Section V of the DEIR, Alternatives, two alternatives were considered that would be more consistent with the existing buildings on the Project Site: the "No Project Alternative" and the "Plan Consistent/Reduced Program Alternative."

The No Project Alternative would not make any changes to the Project Site and would therefore, be environmentally superior over the near term because it would not result in any significant impacts at the Project Site or vicinity. However, the No Project Alternative would not meet the Project Sponsor's objectives.

The Plan Consistent/Reduced Program Alternative would be consistent with the Port's *WLUP* and *Design and Access Element*, and with BCDC's *SAP*. This alternative would not include any connection over the Bay between Piers 15/17 because the entire Valley would be demolished. The freestanding Terminal Office Building and Connector Building would be completely removed and no new Bridge Building would be constructed. The non-historic shed additions added to the Piers 15/17 sheds in the 1950s also would be removed. The total program space of this alternative compared to what is proposed under the Project and Expanded Project would be reduced because no new Bridge Building would be constructed, the pier sheds would be reduced in size, and less publicly-accessible space would be created. As a result, this alternative would essentially be a reduced-program alternative. The Plan Consistent/Reduced Program Alternative would result in impacts similar to the Project and Expanded Project. Table V-1, p. V-2, of the DEIR provides comparisons of the impacts between the Project and the Plan Consistent/Reduced Program Alternative. The Plan Consistent/Reduced Program Alternative would limit the ability of the Project Sponsor to meet many of the Project objectives with regard to program space. These objectives include: total program space, the ability of the Exploratorium to accommodate future growth, the ability to

meet needs for efficient administrative and support facilities, the ability to develop revenue-generating uses, and the ability to provide outdoor exhibit space for Bay-oriented learning.

An EIR need not consider every conceivable alternative to a project.” The alternatives analysis must contain sufficient information from which to extrapolate the impacts of hypothetical alternatives falling between the identified alternatives. The DEIR includes a range of reasonable alternatives including no action (the No Project Alternative), rehabilitating Piers 15/17 without the new Bridge Building, removal of the entire Valley and the non-historic shed additions (the Plan Consistent/Reduced Program Alternative), and rehabilitating Piers 15/17, constructing the new Bridge Building and only partially removing the Valley (the Project and Expanded Project). These scenarios represent a reasonable range of alternatives to allow informed decision-making and to provide sufficient information from which to extrapolate the impacts of hypothetical alternatives, such as a different design of the new Bridge Building.

#### **Comment 10.2**

Mr. President, members of the Commission, and staff, my name is Alec Bash. I live at 936 Church Street, San Francisco 94114. I am here to speak as an interested individual who also happens to serve on the Port's Northeast Waterfront Advisory Group.

We have had several presentations of the project there, and everybody is most interested in seeing how things proceed with the Exploratorium. The one comment I would make with regard to the EIR is that in the old project alternative, it does mention that the buildings are either red- or yellow-tagged, or portions of those buildings, and as you probably know from reading the newspapers and other sources you have, the Port is in dire financial straits in terms of trying to preserve all those piers, which are all now within the Historic District. So as projects do come before you, one of the things they do bring with them is a public/private partnership which acts to preserve those buildings and those resources for the city.

So I would urge that there would, to some degree, be some mention, in the no-transit [sic] alternative that could increase the likelihood of the piers ultimately deteriorating over time.

I don't think any real analysis is needed, and I'm not asking for that, but I think there should be some mention in that regard. Thank you for your time this afternoon. (Alec Bash, March 5, 2009)

**Response 10.2**

The commentor requests that in the analysis of the No Project Alternative impacts the DEIR should mention that the likelihood of the piers deteriorating over time would increase because of the Port's current financial situation. In response to the comment, the following paragraph is added to the end of p. V-4 of the DEIR:

In addition, the Port does not have sufficient funds to repair or rehabilitate all of the piers in the Historic District. As a result, the No Project Alternative would increase the likelihood that Piers 15/17 would deteriorate over time and ultimately become unusable. This would be inconsistent with the Port's goal of maintaining its historic resources and the National Register listing of the Historic District.



## D. DRAFT EIR REVISIONS

Below are revisions to the DEIR. Revisions have been made in response to public comments that have been made on the DEIR, as well as revisions initiated by Planning Department staff. Changes made in response to comments are listed in Section 1 below; staff-initiated changes are listed in Section 2 below. Deletions to the DEIR text are shown with ~~striketrough~~ and additions are shown with double underline.

### TEXT CHANGES IN RESPONSE TO COMMENTS

Page II-14 of the DEIR, will be modified to add the following sentence after the third sentence of paragraph 2:

The Bridge Building would be constructed with concrete, steel, glass, and fritted glass. Fritted glass contains spaced ceramic enamel patterns that make the glass appear less transparent to birds, while allowing a degree of transparency that would allow for views into and out of the building. The fritted glass would be applied to approximately 50 percent of the west façade of the Bridge Building, and to approximately 25 percent on the east façade.

Page II-19 of the DEIR, paragraph 1 will be modified as follows:

Table II-5, Projected Pier 17 Building Program, shows the proposed Pier 17 program upon initial occupancy of the Project and under the Expanded Project, which includes the Exploratorium occupation of Pier 15, the Valley, and Pier 17. It is projected that if the Exploratorium expands the building program it would occupy the entire Pier 17 Shed area, which is approximately 110,615 gsf. ~~A second-story bridge would be constructed from Pier 17 to the new Bridge Building.~~ On the exterior of Pier 17, the southern portion of the building's west façade that was part of the 1950s addition to the south façade would be cut back by two bays in order to emphasize the original west façade. As part of the Expanded Project, photovoltaic panels would be installed on the roof of the shed structure. The Expanded Project would also remove all of the existing exterior light fixtures on Pier 17 and add new light fixtures.

Page II-20 of the DEIR, paragraph 1, last sentence will be modified as follows:

The water basin between Pier 17 and Pier 19 would require dredging to accommodate Baydelta Maritime's tugboats; ~~an estimated 71,211~~ up to 85,000 cubic yards of material would need to be dredged.

Page II-20 of the DEIR will be modified to add the following heading and paragraphs before the heading "Maritime Uses:"

### **Bay Water Heating and Cooling System**

Operation of the Project and Expanded Project would include a Bay water pumping system that would pump in water for heating and cooling of the Exploratorium buildings. The base heating and cooling distribution system would be hydronic with in-slab radiant tubing and radiant manifolds. Electronic water source heat pumps using Bay water as the heat sink would provide a low temperature (100 degrees Fahrenheit) heating hot water source for the radiant slab system and incoming fresh air from the air handlers. The cooling system would also use Bay water. Bay water would be used as a free cooling source when Bay water temperature is below 59 degrees Fahrenheit. Bay water would not be fed directly into the heating and cooling system. A series of filters and an ultraviolet sterilization system would treat the water before it enters the system and prior to return of water to the Bay. No chemical treatment of water would be used in the system. The Bay water intake screen would meet criteria to minimize impingement and entrainment of locally present fish. The system would also be designed to minimize temperature increase of the surrounding Bay water and would meet the requirements of the California Regional Water Quality Control Board (CRWQCB).

The system has been initially designed to incorporate input from applicable permit agencies, including a preliminary review by CRWQCB. The specific details of the system would be finalized during the Construction Documents phase with input from the various permitting agencies, including the CRWQCB, Corps, and BCDC as applicable. The system would be designed with the best available technology in accordance with state and federal regulations. The process would include the permitting agencies' consultation with agencies responsible for natural resources as needed, potentially including NOAA Fisheries and CDFG.

Page II-22 of the DEIR, will be modified to add the following paragraph after the paragraph 2:

Parking would be prohibited in the passenger loading and unloading curb indent in front of Pier 15 at all times. The Project Sponsor would install "No Parking" signs to enforce this prohibition; the installation and design of such signs would be coordinated with the MTA and Port and would conform to all relevant City codes and to the requirements under the Lease. During after-hours events, when the museum is closed



to the general public, the Pier 15 curb indent may also serve as a valet drop-off for vehicles parking elsewhere.

Page II-24 of the DEIR, will be modified to add the following paragraph before the paragraph 1:

As noted for the passenger loading and unloading curb indent in front of Pier 15, parking would be prohibited at all times in the bus loading and unloading curb indent in front of Pier 17. The Project Sponsor would install "No Parking" signs to enforce this prohibition; the installation and design of such signs would be coordinated with the MTA and Port and would conform to all relevant City codes and to the requirements under the Lease.

Page II-28 of the DEIR, paragraph 1, second sentence will be modified as follows:

~~An estimated 71,211~~ Up to 85,000 cubic yards of dredged material would need to be removed to accomplish the necessary depth of ~~20~~ 22 feet.

Page II-28 of the DEIR will be modified to add the following paragraph after paragraph 2:

The Port's Waterfront Land Use Plan and Bay Conservation and Development Commission's Special Area Plan designate the entire Valley and supporting piles for removal at the Project Site. The Project and the Expanded Project would not remove the entire Valley deck and all of the pilings supporting the deck. Construction activities for the Project and Expanded Project may include removal of pile-supported fill at a location along San Francisco's southern waterfront that is not otherwise designated for removal.

Page III.C-3 of the DEIR will be modified to add the following text after paragraph 3:

The Project Site can be viewed to the north and south from public areas along The Embarcadero, as well as from other areas including Telegraph Hill, Coit Tower, the east view corridor along Green Street, and the Bay. Therefore, the Piers 15 and 17 structures do not have designated "fronts" or "rears." The majority of the views from the immediate vicinity are partially obstructed by physical objects including: trees, signs, lamp posts, and pedestrian and transit facilities.

Page III.C-18 of the DEIR, paragraph 2 will be modified as follows:

Under the Expanded Project, the Pier 17 Shed would be rehabilitated to maintain its character-defining features, including the east, north, and south façades, concrete exterior, doors and windows, and the south apron. The west end of the south façade of



Pier 17 would be cut back by two bays in order to emphasize the original façade. ~~A second-story bridge would be constructed from Pier 17 to the new Bridge Building.~~ The Expanded Project is currently at the master plan level and some architectural details and characteristics have yet to be determined. However, the Project Sponsor intends to treat Pier 17 in a similar manner to Pier 15, whereby character-defining features would be rehabilitated.

Page III.C-21 of the DEIR, paragraphs 1 and 3 will be modified as follows:

Under the Expanded Project, the most prominent change in views would be the rehabilitation of the Pier 17 Shed structure and the portion of Pier 17's west façade that would be cut back. ~~The second-story bridge connecting Pier 17 to the new Bridge Building would also be visible. The bridge would be constructed with a transparent material to limit obstruction of the view corridor.~~ The photovoltaic panels on the south side of the Pier 17 Shed roof would be visible.

The most prominent change in views under the Expanded Project would be the rehabilitation of Pier 17 Shed structure and the portion of Pier 17's west façade that would be cut back. ~~The second-story bridge connecting Pier 17 to the new Bridge Building and~~ photovoltaic panels on the Piers 15/17 Shed roofs would also be visible.

New simulations will be added to the DEIR as new figures III.C-7 and III.C-8 and will be inserted after Figure III.C-6, p. III.C-16.

Page III.C-21 of the DEIR will be modified to add the following paragraphs after paragraph 3:

View east from Herb Caen Way

Figure III.C-7 illustrates the view of the Project Site from Herb Caen Way adjacent to the Project Site. The most prominent change in this view resulting from the Project would be the replacement of the existing Connector Building with the new Bridge Building and removal of a substantial portion of the Valley with the associated improvements. The Project opens up a new view corridor between the new Bridge Building and Pier 17. The view corridor would be 60-feet-wide, providing a view of the Bay and the East Bay Hills. Improvements to the Pier 15 Shed structure would also be visible. The photovoltaic panels on the roof of the Pier 15 Shed would not be visible.

Under the Expanded Project, the most prominent change in views would be the rehabilitation of the Pier 17 Shed structure and the portion of Pier 17's west façade that

would be cut back. The photovoltaic panels on the roof of the Pier 17 Shed would be partially visible.

#### View west from San Francisco Bay

Figure III.C-8 illustrates the view of the Project Site from a location on the San Francisco Bay to the northeast of the Project Site. The most prominent change in this view resulting from the Project would be the replacement of the existing Connector Building with the new Bridge Building. The north and east façades of the Bridge Building would be fully visible. Improvements to the east and north façades of the Pier 15 Shed also would be visible, along with improvements to the east aprons of Piers 15 and 17. Several structures along the east edge of the Financial District would also be more visible.

Under the Expanded Project, the most prominent change in views would be the rehabilitation of the north, south and east façades of the Pier 17 Shed structure, as well as improvements to the south loading dock of Pier 17.

Page III.D-49 of the DEIR, will be modified to add the following Improvement Measure after paragraph 3:

### **IMPROVEMENT MEASURE**

I-CP-3 Prior to issuance of a demolition permit, the Project Sponsor shall prepare archival quality photographic documentation of the pre-1929 Office Addition at Pier 17. The documentation shall include the following elements and create an archival record of the historic feature generally consistent with the Historic American Buildings Survey (HABS) program:

- Archival quality black and white photographs;
- An architectural description of the feature; and
- Preparation of measured drawings to document the existing condition of the feature.

The archival record shall be prepared by a qualified architectural historian in consultation with the Port of San Francisco and the historic preservation staff of the San Francisco Planning Department and shall be distributed to:

- San Francisco Planning Department;

- Port of San Francisco; and
- San Francisco Main Public Library

Page III.E-44 of the DEIR, will be modified to delete the last sentence of paragraph 3:

If extended, the curb indent would retain the existing curb cut leading to and from the Pier 15 Access Lane and this curb cut would be utilized for emergency access (e.g., police, ambulance). ~~Under both the Project and Expanded Project, garbage trucks would remove trash and recycling during the museum's off hours by parking in the proposed passenger loading/unloading curb indent in front of Pier 15.~~

Page III.E-45 of the DEIR, will be modified to add the following sentence to the end of paragraph 3:

Under both the Project and Expanded Project, garbage trucks would remove trash and recycling during the museum's off hours by parking in the proposed bus loading/unloading curb indent in front of Pier 17.

Page III.H-21 of the DEIR will be modified to add following sentence to the end of the paragraph 3:

This includes construction activities related to the potential removal of pile-supported fill in San Francisco's southern waterfront under the Project and Expanded Project.

Page III.H-22 of the DEIR will be modified to add the following text to paragraph 3:

Habitat required by other species listed in Table III.H-1, p. III.H-5, is not present within the Project Site and ~~therefore, they~~ such species are not expected to be found within the Project Site or elsewhere along San Francisco's southern waterfront. In light of the above, the Project and Expanded Project would have a less-than-significant impact on threatened, endangered, or protected species. Accordingly, no mitigation would be required.

Page III.H.24 of the DEIR, paragraph 1 after Impact BI-4, first sentence will be modified as follows:

According to the Project Sponsor, ~~approximately 71,211~~ up to 85,000 cubic yards of sediment would need to be dredged from the Pier 17/19 Basin to accommodate Baydelta Maritime's tugboats.



Page III.H-25 of the DEIR will be modified to add the following text to the last sentence of paragraph 1:

Neither dredging, pile driving, nor any work in the water that could generate sediment would be conducted during spawning season, including the removal of fill elsewhere along San Francisco's southern waterfront.

Page III-H.25 of the DEIR, paragraph 2 after Impact BI-6, first sentence will be modified as follows:

Dredging required for the Project is estimated to generate a total of ~~about 71,211~~ up to 85,000 cubic yards of dredge spoils that would have to be disposed of.

Page III.I-24 of the DEIR will be modified to add the following paragraph after paragraph 3:

The Project and the Expanded Project would not remove the entire Valley deck and all of the pilings supporting the deck, as required by the WLUP and SAP. The policies in both plans require removal of all fill associated with the Valley including the support pilings. Construction activities for the Project and Expanded Project may include removal of pile-supported fill at a location along San Francisco's southern waterfront that is not otherwise designated for removal. The precise amount, location and timing of fill removal have not yet been determined.

Page III-I.24 of the DEIR, paragraph 3 after Impact HY-1, second sentence will be modified as follows:

~~An estimated 71,211~~ Up to 85,000 cubic yards (cy) of dredged material would need to be removed to achieve the necessary depth of ~~20~~ 22 feet.

Page III-I.29 of the DEIR, paragraph 1 after Impact HY-2, second sentence will be modified as follows:

It is estimated that approximately ~~71,211~~ up to 85,000 cubic yards of dredged materials would need to be excavated to accomplish the necessary depth of ~~20~~ 22 feet between Piers 17 and 19 in order to accommodate Baydelta Maritime's tugboats.

Page III-I.29 of the DEIR, paragraph 1 after Impact HY-2, forth sentence will be modified as follows:

Excavating ~~approximately 71,211~~ up to 85,000 cubic yards of dredged materials would also transport potentially contaminated sediment from its original location to the disposal site.

Page V-4 of the DEIR, the following paragraph is added after paragraph 5:

In addition, the Port does not have sufficient funds to repair or rehabilitate all of the piers in the Historic District. As a result, the No Project Alternative would increase the likelihood that Piers 15/17 would deteriorate over time and ultimately become unusable. This would be inconsistent with the Port's goal of maintaining its historic resources and the National Register listing of the Historic District.

## STAFF-INITIATED TEXT CHANGES

Since the publication of the DEIR, the Project Sponsor has been studying a design variant of the Bridge Building that responds to comments made by members of the public, SHPO, and NPS. A description of this variant will be added to Section II, Project Description, and analysis of the variant will be added to Section III, Environmental Setting and Impacts. The Bridge Building Variant is illustrated in Figures C&R-14 and C&R-15, pp. C&R-131 and C&R-132, the figures will be added to the Section III.C, Aesthetics, of the DEIR. The Variant would not result in greater impacts than those of the Bridge Building, as identified in the DEIR.

Page II-18 of the DEIR, will be modified to add the following subheading and paragraphs after paragraph 1:

### **Bridge Building Variant**

The Bridge Building Variant (Variant) would occupy a footprint similar to the Bridge Building proposed under the Project and be within the footprint of the existing Connector Building. Compared to the Project, the total floor area of the Variant building would be approximately 25 percent less. The total height of the building to the top parapet would be reduced by approximately 4 feet and the elevator overrun reduced by approximately 19 feet from what is proposed under the Project. All other program space outside of the Variant building would remain as proposed under the Project and Expanded Project. The Variant building would appear more visually and physically separated from the Pier 15 Shed because the connection would be reduced to a one-story building. No portion of the Variant building would overlap the Pier 15 Shed's roof and the material palette would include metal, glass, and concrete.

The Variant would extend north approximately 83 feet and the width would be similar to the width of the existing Connector Building. As under the Project, a 60-foot-wide corridor would be open to the sky between the Bridge Building and Pier 17. The northern mass of the Variant would be two stories tall, approximately 31 feet to the roof. There would be no rooftop access and instead photovoltaic panels may be installed on the roof. The southern mass of the Variant would be one story tall, approximately 12.5 feet to the roof. This portion of the building would include a roof deck, accessible to Exploratorium visitors, with a 3.5-foot parapet along the east side. An enclosed walkway approximately 10 feet wide would connect the interior of the Pier 15 Shed to the two-story portion of the northern part of the Variant building. An elevator would be constructed at the east end of the Pier 15 Shed providing access to the mezzanine level of



Pier 15 and the second floor of the Variant building. The elevator overrun would be approximately 28 feet tall, 5 feet lower than the top of the 33-foot-tall monitor roof of Pier 15 and 19 feet lower than the 47-foot-tall elevator overrun proposed under the Project. The uses within the Variant building would be similar to the Project Bridge Building. However, the program space would be reduced because the café would be slightly smaller and the exhibit space on the second floor would be reduced by approximately 5,000 gsf.

Page III.B-5 of the DEIR will be modified to add the following heading and paragraph after paragraph 5:

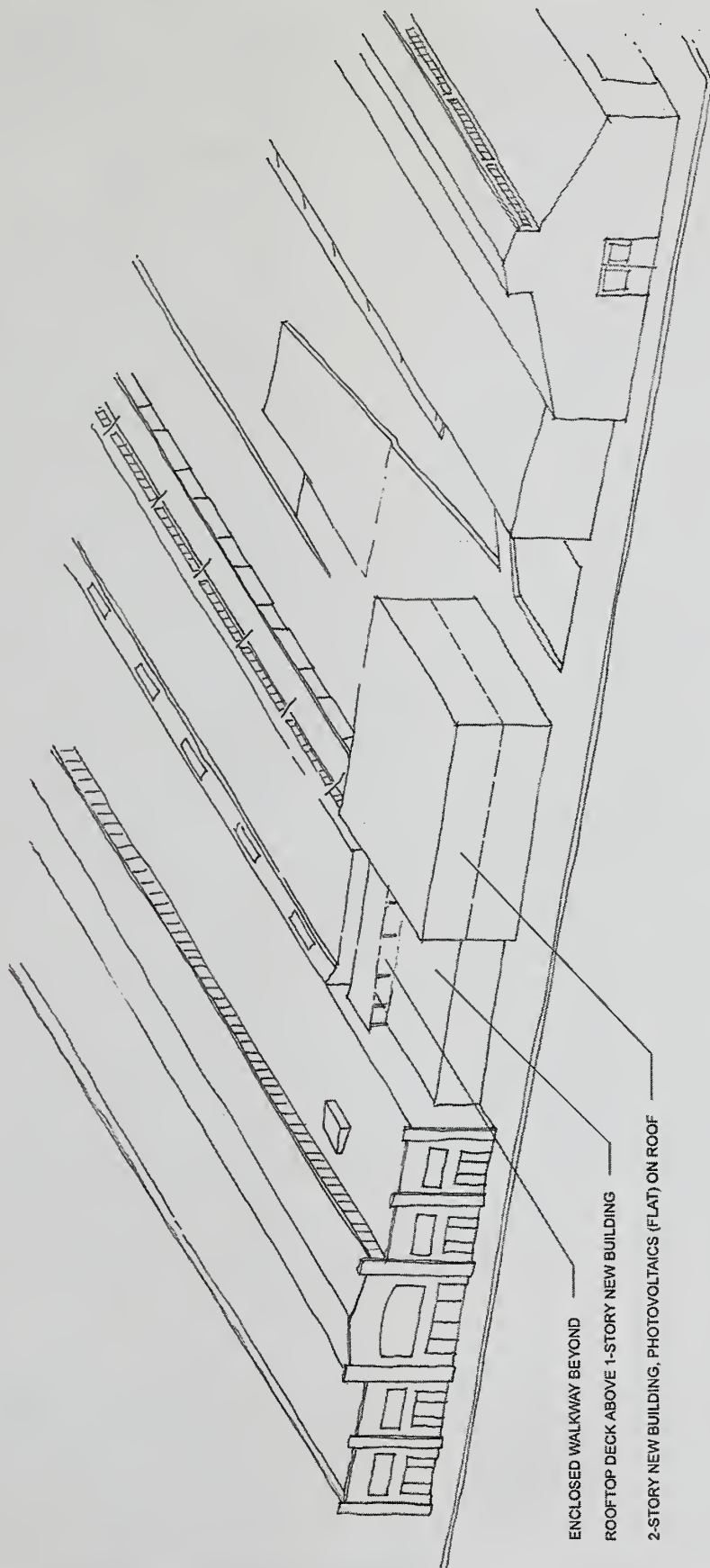
**Bridge Building Variant**

The design of the Variant is substantially similar to the Bridge Building proposed in the Project. Implementation of the Variant would not conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. As such, conclusions for land use impacts associated with the Variant would be substantially the same as those for the Project.

Page III.C-24 of the DEIR, will be modified to add the following heading and paragraph after paragraph 4:

**Bridge Building Variant**

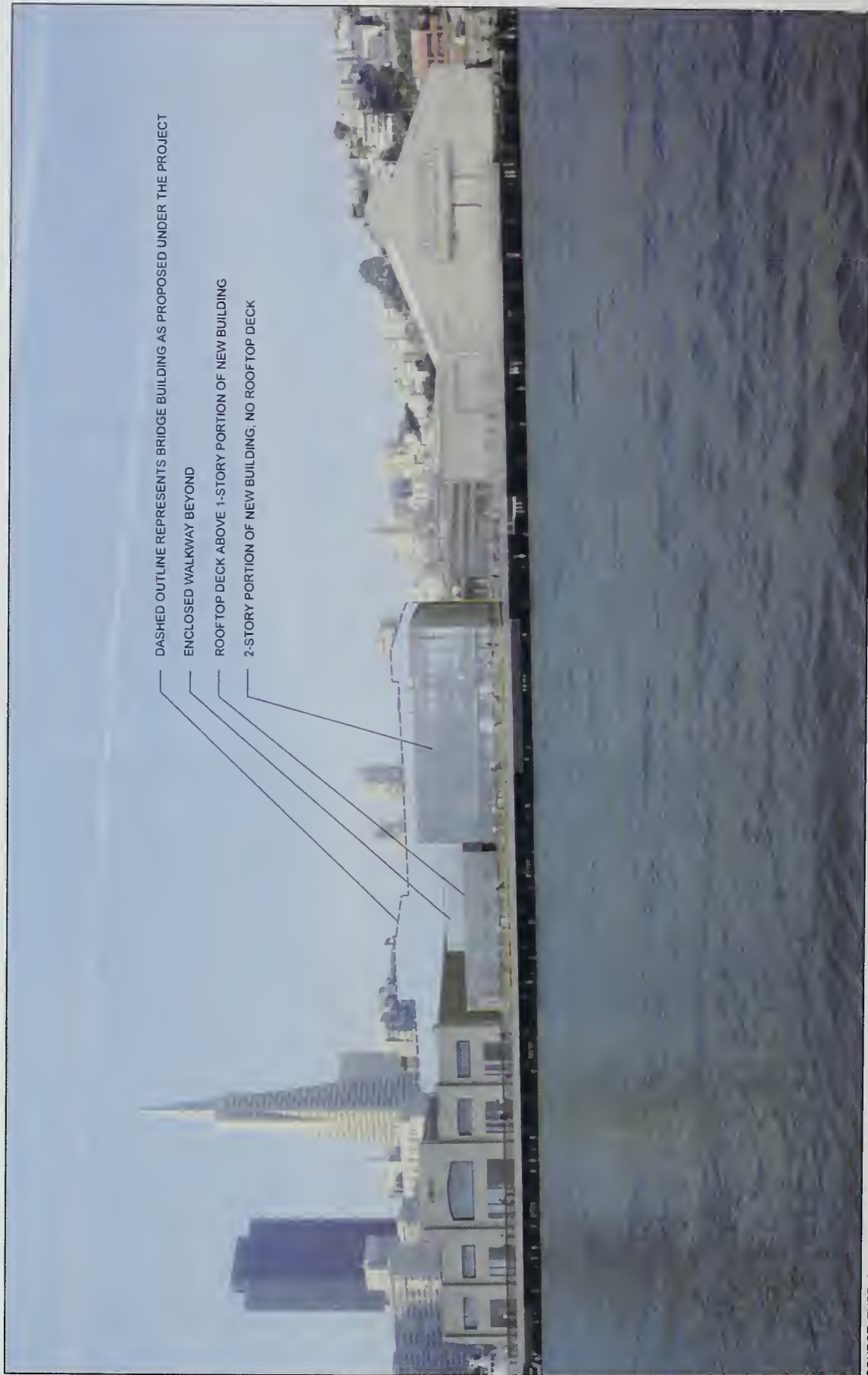
The design of the Variant is substantially similar to the Bridge Building proposed in the Project. Figures III.C-9 presents an axonometric view of the Variant building and III.C-10 presents a rendering that compares the massing of the Variant building to the Bridge Building proposed under the Project. Similar to the Project and Expanded Project, implementation of the Variant would not substantially degrade the existing visual quality of the Project Site or its surroundings nor would it substantially damage views from public areas. The Variant building would appear more visually and physically separated from the Pier 15 Shed because the connection would be reduced to a one-story building and the height of the two-story section would be reduced compared to the Bridge Building under the Project. As a result, the Variant building would have a reduced mass as viewed from Telegraph Hill, Herb Caen Way, the east terminus of Green Street, and the Bay. The materials and lighting of the Variant building would be similar to the Project Bridge Building and would not create a new substantial source of light and glare. Different from the Project Bridge Building, the Variant building may have photovoltaic panels installed on the roof of the two-story mass. However, similar



THE EXPLORATORIUM RELOCATION PROJECT

FIGURE C&R 14: (NEW DEIR FIGURE III.9) BRIDGE BUILDING VARIANT AXONOMETRIC VIEW

SOURCE: EHDD, 2009.



THE EXPLORATORIUM RELOCATION PROJECT  
 FIGURE C&R 15: (NEW DEIR FIGURE III.C-10) BRIDGE BUILDING VARIANT - COMPARISON RENDERING OF  
 BRIDGE BUILDING VARIANT AND PROJECT BRIDGE BUILDING



to the Project, the design of the photovoltaic panels would absorb and capture sunlight rather than reflect sunlight. The photovoltaic panels would also incorporate design features such as textured glass that further reduce reflectivity. As such, conclusions for aesthetics impacts associated with the Variant would be substantially similar as those for the Project.

Page III.D-34 of the DEIR, will be modified to add the following heading and paragraph after paragraph 2:

### **Bridge Building Variant**

The proposed Variant would be substantially similar to the original Bridge Building design proposed in the Project. Because the proposed Variant would be of a reduced height and would include a one-story “neck” connecting the two-story portion of the Bridge Building to Pier 15, this design change reduces the Project’s effect on distinctive materials, features, spaces and the spatial relationships of Pier 15. The proposed Variant also would reduce the Project’s effect on historic materials that characterize the Project Site. Furthermore, the Variant would be differentiated from Pier 15, yet compatible with the historic materials, features, size, scale and proportion, and massing of the historic building. The Variant would be perceived as a contemporary addition to an historic pier shed, and would not interrupt the expression of the historic roof decking and roof monitor. The uses proposed for the Variant are the same as for the original Bridge Building: there would be a café on the first floor in the “neck” and in the 2-story portion; there would be exhibits and events space on the second floor, and on the rooftop of the one-story “neck” there would be an observatory with outdoor exhibits and additional space for events to spill out onto the roof. See Figures III.C-9 and III.C-10.

Unobstructed sight lines of Pier 15 would be maintained by the Variant, and the proposed design would allow Piers 15 and 17 to be viewed from The Embarcadero and the Bay. The setback of the east façade of the one-story “neck” portion of the Bridge Building would maintain the dominant visual appearance of Piers 15 and 17 on the Project Site while anchoring the east façade of Pier 15. The separation of the Variant into a two-part composition including a one-story transition or “neck” connecting to a two-story portion of the building reinforces the distinction between the historic and non-historic elements of the Project and provides for a logical transition in the massing of the whole. The Variant clearly would be a subordinate addition to Pier 15 as a result of its reduced height (the “neck” portion being lower than Pier 15), and as a result of the

change in the use of materials from historic to contemporary that would be provided by the proposed materials palette.

The proposed Variant would lessen the Project's effect on historic materials by eliminating the need to remove three historic roof trusses within Pier 15. The Variant also would significantly reduce the amount of Pier 15 roof deck to be removed and would limit removal to the area required for the elevator penthouse, which overruns onto the Pier 15 Transit Shed roof. The elevator overrun would occupy a smaller area of the roof and would be lower in height than in the Project design. The Variant design is similar to the Project Bridge Building, consisting of a contemporary architectural style with a glass, steel, and concrete material palette. The Variant would not result in a false sense of historical development or conjectural features. The existing Connector Building is a non-contributing resource to the Historic District and does not possess historic significance in its own right. Therefore, the Variant would not affect changes to the property that have acquired significance. The Variant would reduce the Project's effects on distinctive materials, features, finishes or construction techniques that characterize the Project Site. The eastern portion of the north façade of the Pier 15 Transit Shed was previously altered by the construction of the existing Connector Building in the 1950s. Removal of the Connector Building between Piers 15 and 17 would expose a portion of the façade which would need to be enclosed. This façade would be finished with one of the materials that comprise the materials palette for the Project.

The Variant would be more consistent with Secretary's Standard No.9 than the Project Bridge Building. In addition to meeting the other applicable Standards, the Variant lessens an already less-than-significant impact to not only the contributing historic resource, but to the spatial relationships and character-defining features of the Historic District. The conclusions for cultural resource impacts associated with the Project would be substantially the same as those for the Variant. Like the Project Bridge Building design for this addition, the proposed Variant would differentiate, yet be compatible with, the Pier 15 historic resource.<sup>12,13</sup>

<sup>12</sup> Page & Turnbull, Inc, Supplement to Historic Resource Evaluation Project Variant & Cultural Resource Analysis, *June 22, 2009*. A copy of this document is on file as part of Case No. 2006.1073E and available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400.

<sup>13</sup> City and County of San Francisco, Addendum to Historic Resource Evaluation Response, Project Variant & Cultural Resource Analysis, *June 18, 2009*. A copy of this document is on file as part of Case No. 2006.1073E and available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400.



Page III.E-52 of the DEIR, will be modified to add the following heading and paragraph before the "Improvement Measures" heading:

**Bridge Building Variant**

The Variant would not change plans for parking, curbside loading and unloading, bicycle safety measures, and freight loading and receiving as proposed under the Project. The Variant would not cause any greater deterioration of intersection LOS compared to the Project because the reduced program space would result in fewer vehicle trips than the Project. Implementation of the Variant would also result in similar less-than-significant impacts to pedestrian and bicycle safety, loading and construction compared to the Project. Cumulative traffic and transit impacts would be less-than-significant. As such, conclusions for transportation and circulation impacts associated with the Variant would be substantially the same as those for the Project.

Page III.F-7 of the DEIR, will be modified to add the following heading and paragraph after paragraph 2:

**Bridge Building Variant**

The design of the Variant is substantially similar to the Bridge Building proposed in the Project. Construction of the Variant could also result in adverse noise impacts resulting from pile driving activities during construction of the Variant. However, pile driving activities would be subject to the construction requirements of the *San Francisco Noise Ordinance*. Adherence to the Noise Ordinance and implementation of Mitigation Measure M-NO-1 would mitigate pile driving noise impacts to a less-than-significant level by requiring the application of noise-reducing pile driving techniques. Operational noise would result from an increase in motor vehicle trips per day to the Project Site. However, the program space of the Variant would be reduced by approximately 25 percent compared to the Project. Therefore, vehicle trips to the Project Site would be similar or slightly less than the Project, resulting in less-than-significant traffic noise impacts. The conclusions for noise impacts associated with construction and operation the Variant would be substantially the same as those for the Project.



Page III.G-25 of the DEIR, will be modified to add the following heading and paragraph before the "Mitigation Measures" heading:

**Bridge Building Variant**

The design of the Variant is substantially similar to the Bridge Building proposed in the Project. Construction of the Variant would be subject to the Dust Control Ordinance and implementation of Mitigation Measure M-AQ-1 would be required to reduce construction-related air quality impacts resulting from diesel emissions. Therefore, construction-related impacts would be less than significant. As such, conclusions for air quality impacts associated with construction and operation the Variant would be substantially the same as those for the Project. Operational emissions of regional air pollutants, CO, and greenhouse gases would result from pollutant-emitting equipment/processes on-site and motor vehicle trips per day to the Project Site. However, the program space of the Variant would be reduced by approximately 25 percent compared to the Project. Therefore, operational activities and vehicle trips to the Project Site would be similar or slightly less than the Project resulting in less-than-significant air quality impacts. The conclusions for air quality impacts associated with construction and operation the Variant would be substantially the same as those for the Project.

Page III.H-28 of the DEIR, will be modified to add the following heading and paragraphs before the "Mitigation Measures" heading:

**Bridge Building Variant**

Construction and operation of the Variant would be substantially similar to the Bridge Building proposed in the Project. Construction and operation of Variant building would have a less-than-significant impact on threatened, endangered, or protected species. The Variant would not result in significant adverse effects to critical habitat or sensitive habitats. Construction of the Variant could impede the nesting of Western gulls. Loss of active nests would be considered a violation of the Migratory Bird Treaty Act, which would result in a potentially-significant impact. However, implementation of Mitigation Measure M-BI-1 would reduce this potentially-significant impact of the Variant to a less-than-significant level. Construction of the Variant could also result in adverse effects on fish, and marine mammals from underwater sound pressure levels resulting from pile driving activities during construction of the Variant. However, implementation of Mitigation Measure M-BI-2, which covers pile-driving noise measures for aquatic species would reduce potential impacts to less than significant.

The conclusions for biological resources impacts associated with construction and operation the Variant would be substantially the same as those for the Project.

Page III.I-37 of the DEIR, will be modified to add the following heading and paragraph after paragraph 3:

**Bridge Building Variant**

Construction and operation of the Variant is substantially similar to the Bridge Building proposed in the Project. Any potential violation of water discharge requirements and water quality standards during construction would be less than significant because construction of the Variant would be required to comply with the same regulatory requirements as the Project. Operational-related affects such as wastewater flows and stormwater contamination would also be subject to the same regulatory requirements as the Project and related impacts would be less than significant. The regulatory requirements would establish BMPs designed to protect water quality for construction and operation activities. In addition, the Variant building would not expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. Conclusions for hydrology and water quality impacts associated with construction and operation the Variant would be substantially the same as those for the Project.

The DEIR analysis of the Project and Expanded Project's consistency with adopted plans and policies would be the same for the Variant. In addition, all of the analysis and conclusions presented in the Initial Study for the Project and Expanded Project would remain valid if the Variant was implemented.

**Other Staff-Initiated Text Changes**

Since publication of the DEIR, it was determined that the Project and Expanded Project would not require approval of an amendment to the San Francisco Board of Supervisors Ordinance No. 1061, "Regulating the Width of Sidewalks." The DEIR will be modified accordingly. This revision does not change any of the analysis or conclusions reached in the DEIR.

Page II-30 of the DEIR, Table II-8, required approval number 7 will be deleted as follows:

- 7 ~~Approval of legislation adopting changes in the San Francisco Board of Supervisors. Official Sidewalk Width in front of Piers 15/17.~~



Page III.A-7 of the DEIR, will be modified to delete the following text:

~~Board of Supervisors Ordinance No. 1061, "Regulating the Width of Sidewalks"~~

~~San Francisco Board of Supervisors Ordinance No. 1061, "Regulating the Width of Sidewalks," went into effect on May 11, 1910. Whenever the official width of a sidewalk is proposed to be changed, approval of an amendment to this ordinance is required. The Project and Expanded Project propose to reduce the sidewalk to accommodate two curb indents along The Embarcadero, one in front of Pier 15 and one in front of Pier 17. Amendments must be prepared in accordance with the Department of Public Works' (DPW) Order No. 176,789. The amendment process is initiated with the Department of Public Works Central Permit Bureau. The amendment includes a text addition to Ordinance No. 1061 that verbally describes the location of the sidewalk to be changed. A technical drawing of the sidewalk change must also be completed per Department of Public Works standards. This drawing accompanies the amendment and is assigned a drawing number that is specifically referenced in the amendment. Following recommendation by DPW, the sidewalk change would require approval by the Board of Supervisors.~~

The DEIR incorrectly identified the length of the Bridge Building as extending 75 feet north from Pier 15. The correct distance is 83 feet. The distance between Piers 15 and 17 is 143 feet. The DEIR properly refers to the width of the new opening between the Bridge Building and Pier 17 as 60 feet. This revision does not change any of the analysis or conclusions reached in the DEIR. Page II-14 of the DEIR, paragraph 2, third sentence will be modified as follows:

The new Bridge Building would extend north approximately 75-83 feet and the width would be similar to the width of the existing Connector Building.

Page III.C-17 of the DEIR, paragraph 3 under Impact AE-1, fifth sentence will be modified as follows:

The Bridge Building would be 32-foot-tall (35 feet tall to the top of parapet/guardrail), two-story building that extends north approximately 75-83 feet from the north façade of the Pier 15 Shed.



Page III.D-26 of the DEIR, paragraph 3 under Impact AE-1, second sentence will be modified as follows:

The Project would replace the Connector Building with a new two-story building (the "Bridge Building") that extends north approximately ~~75~~83 feet from the north façade of the Pier 15 Transit Shed.

Page II-22 of the DEIR, paragraph 2 will be modified to add the following sentence after the third sentence:

An Americans with Disabilities Act (ADA) compliant handicapped-accessible ramp would be installed at the Pier 15 curb indent to accommodate unloading of disabled visitors.

Page II-30 of the DEIR, Table II-8, required approval number 2 will be modified as follows:

- 2     Review of Project under the National Historic ~~State Office of Historic Preservation, U.S.~~  
Preservation Act, Section 106 for compliance with Army Corps of Engineers  
Secretary of the Interior's Standards for  
Rehabilitation and Guidelines for Rehabilitating  
Historic Buildings.

The new fill for the Project does not fall into Policy 2 of the *SAP* because it is limited to minor amounts for maritime and public access uses.

Page III.A-17 of the DEIR will be modified to delete the following text:

~~2. Within Open Water Areas, new fill should be limited only to the following:~~

~~a. Minor pile-supported or floating fill for water transportation uses, such as ship and boat berthing facilities, mooring dolphins, buoys, floats and similar support uses.~~

~~b. Minor, pile-supported fill for Bay-oriented commercial recreation and Bay-oriented public assembly uses. The amount of new pile-supported fill for such uses will be offset by removal of an equivalent amount of pile-supported fill elsewhere on the Northeastern Waterfront not otherwise designated as a pier for removal.~~

~~As discussed above, the Project would add fill by expanding the south apron of Pier 15 and would require a permit from BCDC. Expansion of the apron would be consistent with the Northeast Waterfront Open Water Areas Policy 2(b) because the new fill would~~

~~provide additional public access. However, the Project would not be consistent with Northeast Waterfront Open Water Areas Policy 1(d) and 2(b)'s requirement that the offsetting fill be from another location. Consistency of the Project and Expanded Project with this SAP policy is discussed in Section III-B, Land Use.~~

Page III.B-3 of the DEIR, paragraph 2, will be modified as follows:

Northeast Waterfront Open Water Areas Policy 1(d) of the BCDC SAP requires removal of the deck and pilings of the Valley and non-historic additions to the Pier 15/17 sheds. The Project is inconsistent with this policy because it would not remove the entire Valley deck, nor would it remove the non-historic shed additions nor all of the pilings supporting ~~neither the deck nor~~ and the non-historic shed additions. Some piles in the Valley would remain after the decking is removed. ~~Northeast Waterfront Open Water Policy 2(b) of the BCDC SAP requires new pile-supported fill to be offset by removal of an equivalent amount of pile-supported fill on the Northeastern Waterfront not otherwise designated as a pier for removal. The Project would be inconsistent with this policy because the Valley and the Connector Building are designated for removal and because the Valley and the Connector Building are designated for removal and because an equivalent amount of pile-supported fill would not be offset elsewhere.~~ Amendments to the SAP would be required to make the Project consistent with the SAP.

Page III.C-20 of the DEIR, heading 3, will be modified as follows:

View east from the ~~west-east~~ terminus of Green Street

Page III.D-19 of the DEIR, paragraph 6, will be modified to clarify the required review per Section 106 of the National Historic Preservation Act. The modification is as follows:

Archaeological site evaluation assesses the potential of each site to meet one or more of the criteria for NRHP eligibility based upon visual surface and subsurface evidence (if available) at each site location, information gathered during the literature and records searches, and the researcher's knowledge of and familiarity with the historic or prehistoric context associated with each site. ~~Because the Project would require no Federal entitlement or Federal funding, Section 106 review would not be required. The Project would require two permits from the Corps for dredging and pile driving. As a result, the Project would receive Section 106 review conducted by the Corps in consultation with SHPO.~~

Page III.I-22 of the DEIR, paragraph 1, will be modified to clarify the required review per Section 106 of the National Historic Preservation Act. The modification is as follows:

The Dredge Material Reuse/Disposal Application serves as and is accepted for a number of permits, including a) Section 404 or Section 10 dredging authorization by the San Francisco District Corps, b) an administrative dredging permit for BCDC, c) the San Francisco RWQCB water quality certification or waste discharge requirement, and d) a dredging project lease from the California SLC. The Corps would also conduct review of the Project per Section 106 of the National Historic Preservation Act in consultation with SHPO.

Page III.D-30 of the DEIR, paragraph 3, will be modified to clarify design details for Pier 17 under the Expanded Project as follows:

The Project Sponsor intends to treat the future rehabilitation of the interior and exterior of Pier 17 in a similar manner to Pier 15, whereby character-defining features would be rehabilitated. However, ~~design of the Expanded Project is currently at the conceptual level and~~ some architectural details, materials, and characteristics of the Expanded Project have yet to be determined. As part of the Expanded Project, the main alterations to Pier 17 would include:

Page III.D-31 of the DEIR will be modified to delete bullet 5:

- ~~• Construction of a new second floor bridge (of the same glass material as the Bridge Building) between the new Bridge Building and the non-historic Pier 17 shed addition (south façade), leaving an opening on ground level to the Bay;~~

Page III.D-32 of the DEIR, paragraph 1, will be modified to clarify design details for Pier 17 under the Expanded Project as follows:

The above description generally outlines what would occur under the Expanded Project; however it does not provide the level of detail necessary to determine whether the Expanded Project is or is not consistent with the *Secretary's Standards*. Because ~~the proposed improvements~~ additional information about the architectural details, materials, and characteristics that comprise the future Expanded Project at Pier 17 ~~remain conceptual and additional information is~~ are required to support a determination as to their consistency with the *Secretary's Standards*, these improvements have the potential to impact Pier 17 and its character-defining features. The project sponsor would be required to implement Mitigation Measure M-CP-1, set forth below, in order to reduce this impact to a less-than-significant level. Mitigation Measure



M-CP-1 requires that final architectural design details of the Expanded Project comply with performance criteria specific to Pier 17.

The Expanded Project would include installation of pipe piles throughout the Pier 17 site and not just isolated to the north apron of Pier 17 as stated in the DEIR. Page II-28 of the DEIR, paragraph 1, second sentence will be modified as follows:

The construction would involve additional driving of pipe piles ~~on the north apron of~~ throughout the Pier 17 site to seismically upgrade the structure.

Page III-H.24 of the DEIR, paragraph 1 after Impact BI-4, last sentence will be modified as follows:

Additional steel pipe piles (up to 60) would be necessary ~~for the north apron of~~ throughout the Pier 17 site under the Expanded Project.

Page III-H.26 of the DEIR, paragraph 2 after Impact BI-7, sixth sentence will be modified as follows:

Additionally, up to 60 steel pipe piles would be necessary ~~for the north apron of~~ throughout the Pier 17 site under the Expanded Project.

The following paragraph will be added to the end of page III.E-14 at the end of the *Pedestrian Conditions* section:

It should be noted that the City is currently considering a project that would make physical changes to the intersection of The Embarcadero/Green Street and the immediate vicinity of the Project Site, which would affect the pedestrian environment. These changes include: a) flattening of the raised portions of the Art Ribbon in five locations in front of Piers 15/17; b) straightening the north crosswalk at The Embarcadero/Green Street; c) constructing two sidewalk bulb-outs at the northwest and southwest corners of The Embarcadero/Green Street as pedestrian refuges; d) elimination of the southbound left turn lane from The Embarcadero to Piers 15/17; and e) filling-in the existing driveway curb cut in front of the Pier 15 Bulkhead Building. If implemented, these changes are not expected to negatively affect the pedestrian environment in front of the Project Site. On the contrary, these changes would likely improve pedestrian safety in the north crosswalk (shortened distance, added refuge areas), and improve the pedestrian environment along Herb Caen Way by removing obstructions (raised Art Ribbon) and adding sidewalk width (fill-in curb cut) to the promenade.

The following paragraph will be added to page III.E-15 at the end of the *Bicycle Conditions* section:

As noted previously under *Pedestrian Conditions*, the City is currently considering a project that would make physical changes to the intersection of The Embarcadero/Green Street and the immediate vicinity of the Project Site. If implemented, these changes are not expected to negatively affect bicycle safety in front of the Project Site. On the contrary, two of these changes would likely improve conditions for bicyclists using Herb Caen Way, namely the removal of existing obstructions (raised Art Ribbon) and the addition of sidewalk width to the promenade (fill-in curb cut).

Since the publication of the DEIR, SFMTA has published updated ridership data for the F-Market & Wharves line. This document presents a revised transit analysis based on the updated ridership data.<sup>14</sup> As a result of the revised analysis, the following modifications will be made to the text and tables of the Transportation Chapter of the DEIR.

Page III.E-34 of the DEIR, paragraph 3, first sentence will be modified as follows:

The capacity utilization would decrease with the addition of Expanded Project-generated transit trips from ~~76~~ 103 percent (~~above SFMTA's capacity standard of 85 percent~~) to ~~64~~ 78 percent in the southbound (most congested) direction.

Page III.E-35 of the DEIR, Table III.E-18, Peak Load and Capacity Utilization for Existing Conditions, will be modified as follows:

<sup>14</sup> PBS&J, Memo from PBS&J to San Francisco Planning Department, Exploratorium Relocation Transportation Report – Muni F-Line Ridership Update, March, 18, 2009. A copy of this memo is on file and available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400.

**TABLE C&R-3  
(REVISED TABLE III.E-18)  
EXISTING AND NEAR-TERM (FY 2007) EXISTING PLUS EXPANDED PROJECT CONDITIONS ON  
THE EMBARCADERO AT MLP – WEEKDAY PM PEAK HOUR**

	Outbound (Southbound) MLP: Green and The Embarcadero		
	Peak Load <sup>(a)</sup>	Total Line Capacity <sup>(b)</sup>	Capacity Utilization
Existing Conditions	<del>531</del> <u>722</u>	700 <sup>(c)</sup>	<del>76</del> <u>103</u> %
The Expanded Project	148		
<b>Expanded Project Total</b>	<b><del>679</del> <u>870</u></b>	<b>1,120<sup>(d)</sup></b>	<b><del>61</del> <u>78</u>%</b>

Source: SFMTA TEP Staff Recommendations to Transform Muni, September 10, 2008; Wilbur Smith Associates, November 2008.

Notes:

- a. Existing passenger information based on SFMTA ~~TEP Monitoring Data~~ data collected ~~Fall 2006 and Spring 2007 (December 2007)~~ July and August 2008. Expanded Project passenger information based on *SF Guidelines*; see *Appendix E* for further detail.
- b. Based on the load capacity of a streetcar (70 passengers per vehicle). The SFMTA adopted capacity standard is 85 percent of total capacity, or approximately 60 passengers per streetcar.
- c. Existing streetcars per hour (10) based on Muni F-Line timetable (June 2008).
- d. Proposed number of streetcars per hour (16) are based on planned F-Line and E-Line streetcars per hour (16) as recommended for the TEP (September 2008).

Page III.E-35 of the DEIR, paragraph 1, third sentence will be modified as follows:

The average load factor would decrease with the addition of Expanded Project-generated transit trips in the southbound direction, from ~~87~~ 113 percent ~~(above SFMTA's capacity standard of 85 percent)~~ to ~~69~~ 84.6 percent under the Expanded Project Scenario.



Page III.E-36 of the DEIR, Table III.E-19, Peak Load and Capacity Utilization for Existing Conditions, will be modified as follows:

**TABLE C&R-4  
(REVISED TABLE III.E-19)  
EXISTING AND NEAR-TERM (FY 2007)  
EXISTING PLUS EXPANDED PROJECT CONDITIONS ON THE  
EMBARCADERO AT MLP – WEEKEND MIDDAY PEAK HOUR**

	Outbound (Southbound) MLP: Broadway and The Embarcadero <sup>(a)</sup>		
	Peak Load	Total Line Capacity <sup>(b)</sup>	Capacity Utilization
Existing ridership	<del>611-791</del> <sup>(c)</sup>	700 <sup>(d)</sup>	<del>87-113</del> %
The Expanded Project	157		
<b>Expanded Project Total</b>	<b><u>768-948</u></b>	<b>1,120<sup>(e)</sup></b>	<b><u>69-84.6</u>%</b>

Source: SFMTA TEP Staff Recommendations to Transform Muni, September 10, 2008; Wilbur Smith Associates, November 2008.

Notes:

- The MLP is unknown because SFMTA TEP Monitoring Data is not available for the weekend; therefore, the stop at Broadway and The Embarcadero was assumed to be the MLP for this analysis because of the three evaluated stops, it has the highest peak load.
- Based on the load capacity of a streetcar (70 passengers per vehicle). The SFMTA adopted capacity standard is 85 percent of total capacity, or approximately 60 passengers per streetcar.
- Peak loads were not observed along the F-line under weekend conditions; however, a Saturday-to-weekday ratio of ~~1.17~~ 1.11 was applied based on peak hour Muni SRTP FY06 data for the outbound direction of travel.
- Existing streetcars per hour (10) based on Muni F-Line timetable (June 2008).
- Proposed number of streetcars per hour (16) are based on planned F-Line and E-Line streetcars per hour (16) as recommended for the TEP (September 2008).

The above revisions to the analysis do not change the conclusions reached in the DEIR that the Expanded Project would have a less-than-significant transit impact during the weekday PM Peak Hour and the weekend Midday Peak Hour. The capacity utilization of 78 percent during the weekday and 84.6 percent during the weekend peak hours would be below the SFMTA threshold of 85 percent.

Page V-5 of the DEIR, paragraph 3 included text that repeated statements made in paragraph 2 and is revised as follows:

~~This alternative would not include any connection over the Bay between Piers 15 and 17 because the entire Valley would be demolished. The freestanding shack and Connector Building would be completely removed, and no new Bridge Building would be constructed in its place. The non-historic shed additions (added to the Piers 15/17 sheds in the 1950s) also would be removed. The north façade of Pier 15 and the south façade of~~

~~Pier 17 would be restored to their pre 1950s condition. Baydelta Maritime would remain at the Project Site with the potential to be relocated from the south apron of Pier 15 to the north apron of Pier 17. If Baydelta Maritime were relocated to Pier 17, dredging would be required between Piers 17 and 19. Pier aprons and supporting structures would be rehabilitated requiring construction efforts similar to what is proposed under the Project and Expanded Project. New public access would be provided on the pier aprons with access prohibited on the apron where Baydelta Maritime would operate, either on Pier 15 or Pier 17. If Baydelta Maritime's tug and tow operation were relocated from the Pier 15 south apron to the Pier 17 north apron, new maritime activities also could be conducted along the south apron of Pier 15, similar to what is proposed under the Project and Expanded Project.~~

### Revised and Additional Figures<sup>15</sup>

Figure II-1: Project Location, p. II-4 of the DEIR is revised to illustrate the correct size and location of Seawall Lot 321 and is replaced with Figure C&R-16, p. C&R-147.

Figure III.C-2 through Figure III.C-6, pp. III.C-5 through III.C-15 of the DEIR are replaced with Figures C&R-17 through C&R-21, pp. C&R-149 through C&R-157. The title of Figure III.C-5 will be revised to correct the identified terminus of Green Street ("west terminus" will be changed to "east terminus"). The replacement figures illustrate updated simulations for the Project and Expanded Project. The new simulations illustrate minor changes including updates to the passenger drop-off area, the Valley and courtyard area, and removal of the second-story bridge.

<sup>15</sup> The revised figures illustrate the current design for the Project and Expanded Project compared to what was illustrated in the DEIR. The revisions do not change any of the analysis or conclusions reached in the DEIR.





SOURCE: Google Earth, 2007; PBS&J, 2009

THE EXPLORATORIUM RELOCATION PROJECT  
FIGURE C&R 16 (REVISED FIGURE II-1): PROJECT LOCATION



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EXISTING



PROJECT



EXPANDED PROJECT

SOURCE: Square One Productions, 2009

THE EXPLORATORIUM RELOCATION PROJECT  
FIGURE C&R 17 (REVISED FIGURE III.C-2): VIEWPOINT 1 - VIEW SOUTHEAST FROM THE EMBARCADERO MEDIAN







SOURCE: Square One Productions, 2009

THE EXPLORATORIUM RELOCATION PROJECT  
 FIGURE C&R 18 (REVISED FIGURE III.C-3): VIEWPOINT 2 - VIEW NORTHEAST FROM THE WEST SIDE OF THE EMBARCADERO  
 C&R-151







EXISTING



PROJECT



EXPANDED PROJECT

SOURCE: Square One Productions, 2009

THE EXPLORATORIUM RELOCATION PROJECT  
 FIGURE C&R 19 (REVISED FIGURE III.C-4) : VIEWPOINT 3 - VIEW NORTH ALONG HERB CAEN WAY







SOURCE: Square One Productions, 2009.

THE EXPLORATORIUM RELOCATION PROJECT  
FIGURE C&R 20 (REVISED FIGURE III.C-5): VIEWPOINT 4 - VIEW WEST FROM THE WEST TERMINUS OF GREEN STREET





**PROJECT**



SOURCE: Square One Productions, 2009

THE EXPLORATORIUM RELOCATION PROJECT  
 FIGURE C&R 21 (REVISED FIGURE III.C-6): VIEWPOINT 5 - VIEW EAST FROM CALHOUN TERRACE/TELEGRAPH HILL  
 C&R-157

## **APPENDICES**

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## **APPENDIX A**

### **DEIR COMMENT LETTERS**

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To: Bill Wycko  
Environmental Review Officer  
San Francisco Planning Department  
1650 Mission Street, #400  
San Francisco, CA 94103

Fr: Judy Irving  
1736 Stockton #2  
San Francisco, CA 94133

Re: Exploratorium at Piers 15/17  
2006.1703E

Date: February 25, 2009

I kept hearing through the grapevine that the design for the new Exploratorium building has glass walls, with a glass railing on the roof and one or more glass walkways connecting the piers. We'd all love to see the Exploratorium at Piers 15/17, but not in a building that creates a problem for wildlife. Seabirds like endangered California brown pelicans soar along the waterfront, often skimming over the piers. All that glass at the end of Pier 15 could be a dangerous, invisible hazard for them, whether the glass is reflective or "see-through." I'm concerned that seabirds might think they can fly straight through the walls and BOOM!

I went to the Exploratorium's presentation at the Chinatown library and asked about this issue. I was told that the glass walls will have some sort of "glaze" that makes it visible to birds. My question is this: Do you know of any other buildings that use this glaze? The Exploratorium people do seem to be concerned about this issue, but they couldn't give me specific information about the glaze, or proof that it actually works to prevent bird deaths.

Mark Bittner and I are taking care of a parrot from the wild flock who bashed into a glass windscreen at full speed on top of a Telegraph Hill deck and went into a coma. She couldn't go back to the flock when she came to, because she has vision problems in one eye, which must have hit the glass. Mark and I have had "Big Bird" for six years and will take care of her for the rest of her life. Glass windscreens that stick up higher than the roof, such as the one on the Exploratorium, are particularly hazardous for birds.

It would be very bad p.r. (and possibly illegal) for the Exploratorium to harm a federally endangered species. I'm particularly sensitive to brown pelicans because they're the subject of my new documentary, "Pelican Dreams." (An earlier film I made is entitled "The Wild Parrots of Telegraph Hill.") The smartest, most prudent policy in a "green" city such as San Francisco would be to ban reflective and see-through building materials from all new construction. Our fellow avian residents will thank us.

*Thanks! Judy Irving*

# SAN FRANCISCO FIRE DEPARTMENT



## DIVISION OF FIRE PREVENTION & INVESTIGATION

Date: February 25, 2009

To: Viktoriya Wise  
1650 Mission Street, Suite 400  
San Francisco, Ca 94103

Regarding: Piers 15/17

**RECEIVED**

FEB 25 2009

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
RECEPTION DESK

The SFFD is requiring clearance for the permission to build structures. The applicant must follow the guidelines showing adequate hydrants, fire flow, fire department connections, and access roads. Please see the enclosed documents for guidance.

*Capt W J Mitchell*

Captain William Mitchell  
558-6517

# SAN FRANCISCO



# FIRE DEPARTMENT

## DIVISION OF FIRE PREVENTION & INVESTIGATION

September 1, 2008

### New Buildings: Interim Guideline for Fire Clearance

All new structures require a preliminary San Francisco Fire Department review to assure apparatus access and water supplies are sufficient per the 2007 California Fire Code and 2003 NFPA 14.

A SFFD pre-application review shall be required of all new structures prior to review by the Planning Department. A fee of \$190.00 shall be submitted by check payable to The SFFD for this review. Two sets of overall site plans shall be submitted, drawn to an indicated scale. Plans must be a minimum of 11" x 17". The scope of work must be indicated. This should be sufficient for most projects of limited size (e.g. smaller residential or commercial buildings on established, wide streets).

Complex projects may require additional information.

This review may be done over-the-counter on a case by case basis.

These items **must** be included in the plans:

1. Hydrant locations per 2007 CFC section 508 and Appendix C;
2. Fire flow calculations per 2007 CFC section 508 and Appendix B\*; - the submittal shall include a processed water-flow request form with the supply demand graph showing flow at 20 psi.
3. Fire department connection location per 2003 NFPA 14 (if a standpipe system is required, a fire hydrant must be within 100 feet);
4. Fire apparatus access roads per 2007 CFC section 503 and SFFC Bulletin # 5.01. Include street widths, whether parking will be allowed and turnaround dimensions (where applicable).

\*Fire flow calculations must be signed by a C-16 contractor or licensed engineer. New highrise's fire flow calculations must be signed and stamped by an engineer. Per the IFC Applications manual, the sprinkler demand must be added to the minimum flow rate.





**SAN FRANCISCO FIRE DEPARTMENT  
BUREAU OF FIRE PREVENTION/PLAN CHECK DIVISION**

1660 Mission Street

San Francisco, CA 94103

Contact: Inspector Ballard (415) 558-6505 Fax (415) 558-6543

**REQUEST FOR WATER FLOW INFORMATION**

- ☐ REQUEST IS FOR FIRE FLOW  
☐ REQUEST IS FOR SPRINKLER DESIGN

DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

REQUESTED BY: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_ EMAIL: \_\_\_\_\_

PHONE NO. (\_\_\_\_)\_\_\_\_/\_\_\_\_ FAX NO. (\_\_\_\_)\_\_\_\_/\_\_\_\_

OWNER'S NAME/PHONE # \_\_\_\_\_

ADDRESS FOR WATER FLOW INFORMATION: PROVIDE SKETCH HERE:

CROSS STREETS (BOTH ARE REQUIRED):

SPECIFY STREET FOR POINT OF CONNECTION: \_\_\_\_\_

OCCUPANCY (CIRCLE ONE): R3 R1 LIVE/WORK COMMERCIAL OTHER \_\_\_\_\_

HAZARD CLASSIFICATION: LIGHT ORD 1 ORD 2 EXT 1 EXT 2 OTHER \_\_\_\_\_

NUMBER OF STORIES: \_\_\_\_\_ HEIGHT OF BLDG.: \_\_\_\_\_ FT.

- SUBMIT FORM WITH A \$95.00 CHECK MADE TO 'S.F.F.D.'
- REQUESTS REQUIRING A FIELD FLOW TEST WILL BE NOTIFIED BY FAX AND WILL REQUIRE AN ADDITIONAL \$190.00 FEE.
- WATER FLOW INFORMATION WILL BE RETURNED VIA FAX OR MAIL.
- INCOMPLETE FORMS WILL NOT BE PROCESSED.
- ALLOW 7-14 WORKING DAYS FOR PROCESSING.

FLOW DATA PROVIDED BY: \_\_\_\_\_ DATE FORWARDED: \_\_\_\_\_

FLOW DATA: FIELD FLOW TEST \_\_\_\_\_ STATIC \_\_\_\_\_ PSI

RECORDS ANALYSIS \_\_\_\_\_ RESIDUAL \_\_\_\_\_ PSI

FLOW \_\_\_\_\_ GPM

GATE PAGE: \_\_\_\_\_ MAIN \_\_\_\_\_ IN

5.01 Street Widths for Emergency Access

Reference: 2007 CFC 503

The Division of Planning and Research of the San Francisco Fire Department has established requirements for minimum street widths to facilitate emergency equipment access. These requirements are specified as follows:

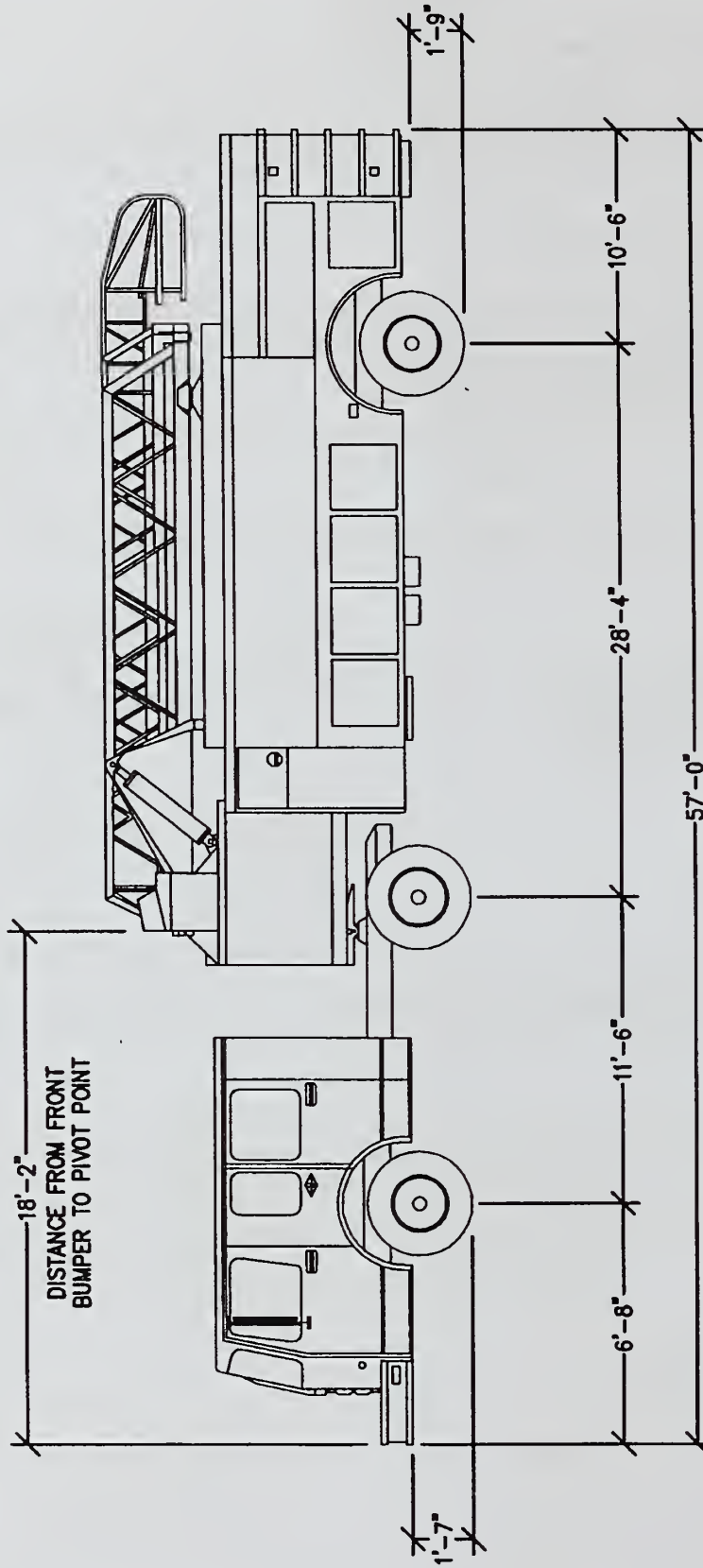
Minimum Street Widths and Access Roads

- 1. The California Fire Code (503.2.1) requires a minimum of 20 feet of unobstructed roadway and a vertical clearance of not less than 13' 6". While a 20 foot wide roadway is permissible, past practice has shown that making ninety degree turns are not possible without the trucks moving into ongoing traffic. The vehicles can make the turn only on one way streets.
- 2. The California Fire Code (503.1.1) requires a turnaround for all dead-end fire access roads in excess of 150 feet. The San Francisco Fire Department has determined an 80 foot turnaround and a 40' radius to be sufficient.

SAN FRANCISCO FIRE DEPARTMENT VEHICLE SPECIFICATIONS

	ENGINES	TRUCKS
Outside tire extremity	8 ft. 2 in.	8 ft. 3 in.
Vehicle width (with mirrors)	10 ft. 4 in.	10 ft 1 in.
Truck width with one jack extended	n/a	12 ft. 9 in.
Truck width with two jacks extended	n/a	17 ft. 9 in.
Vehicle height	11 ft.	12 ft.
Length of vehicle	30 ft.	57 ft.
Gross vehicle weight	40,400 lbs.	70,000 lbs.
Street grades maximum	26% maximum	26% maximum
Approach and departure	15% maximum	15% maximum
Truck aerial operations	n/a	14% maximum

The Fire Department will determine, on a case-by-case review, where the truck aerial operations may not be required.



CAB WIDTH = 8'-3"

CAB WIDTH + MIRRORS = 10'-1"

TRUCK WIDTH WITH JACKS EXTENDED = 17'-9"

SAN FRANCISCO FIRE DEPARTMENT  
AERIAL TRUCK





*By Electronic Mail*

March 5, 2009

Bill Wycko  
Environmental Review Officer  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: **COMMENTS ON DRAFT EIR FOR EXPLORATORIUM RELOCATION PROJECT (2006.1073E)**

Dear Mr. Wycko:

The Telegraph Hill Dwellers (THD) are excited about the Exploratorium project at Piers 15 and 17 and believe it will be a wonderful scientific resource for tourists and residents alike. We have been tracking this project from its early days and continue to be supportive of their move to the Waterfront.

Unfortunately, however, we do have serious concerns about the design for the proposed project and the adequacy and accuracy of the Draft Environmental Impact Report (DEIR) to accurately describe and consider several serious environmental impacts. Our most recent letter to the development team in October, 2008 reflects some of those concerns.

**PROPOSED NEW BRIDGE BUILDING.**

1. **The proposed new Bridge Building is not adequately depicted nor fully described in DEIR.** The Draft EIR fails to adequately describe and depict the proposed new Bridge Building. There are no detailed drawings of this proposed new structure in the DEIR clearly showing the materials, architectural details or scaled height measurements in comparison to the existing historic sheds. The elevations are so pale as to not be readable (Figure 5) or they specifically state that the elevations are "not to scale" (Figure II-15). The photomontages contained at III.C-15 do not adequately show the proposed new Bridge Building and, because of the wide-angle lenses used for the basic image, these images are misleading and not at all informative. This appears to be a serious inadequacy of the DEIR. Without separate detailed presentations, there is no way the public or decision-makers could understand the potential impacts that the design of this building could have on historic resources and the aesthetics of our Waterfront.

2. **Significant adverse effects of proposed design of the Bridge Building on historic resources are not adequately or accurately considered.** We disagree with the conclusion contained in the DEIR that the proposed new Bridge Building will not adversely impact the historic significance of Piers 15 and 17 or the National Register District. On the contrary, we agree with the comments made by the Historic Preservation Commission that the Bridge Building is incompatible Piers 15 and 17, as well as contributory structures within the National Register District, and would significantly and adversely destroy the historic resource.

**Incompatibility with Historic Resources:**

The proposed materials are incompatible Piers 15 and 17 and the other contributory structures within the National Register District, including the glass curtain-wall system on the east and west facades, the glass bridges and the use of Cortend steel (which will streak and look rusty). The scale, proportion and massing also appear incompatible with the historic resources.

We do not think this complies with the Secretary of the Interior's Standards, in particular Standard No. 9, which requires, **not only** that new construction be differentiated from the old, but that all the new work shall be "*compatible with the historic materials, features, size, scale, and proportion, and massing*" of Piers 15 and 17. That is not the case with the proposed Bridge Building with its large areas of glazing and glass bridges and its blocky form. The proposed Bridge Building appears to be a rather large, square modern office building plunked down to the end of the historic pier shed. It is our understanding that there are no other examples along the California coastline where a building appears at the end of a pier. The Bridge Building would therefore be a precedent-setting development in California. The Bridge Building as proposed would set a terrible precedent for future projects reusing the historic sheds along our historic waterfront.

Contrary to the opinion of the developer's preservation architect, we disagree that a glass building is "massless." In our opinion it could be even more visible than a solid material.

We also disagree that the end of the Pier shed is the "rear" of the shed. These pier sheds are -- by their very nature -- viewed from the water, from above and from the land. The addition of the Bridge Building will be highly visible from the water -- from sailboats and cruise ships, etc.

**Improper Height & Massing.** As to the size, scale and proportion and massing, the DEIR states that proposed new 2-story Bridge Building would be approximately 32 feet tall to the roof and 35 feet tall as measured to the top of the parapet, and the elevator penthouse would rise to 44 ft. The Pier 15 pier shed to which it will connect is a double-height, one story building capped by a combination shed and monitor roof. The shed roofs are pitched away from the monitor roof. Although the DEIR fails to provide the height of these existing transit shed features, the DEIR does state (at pages III.D-29 and -30) that the Bridge Building "*would be larger and would not be experienced as subordinate to the pier shed. The proposed Bridge Building visually competes with the historic shed and interrupts the*

*expression of the historic roof decking, roof monitor and unobstructed sight lines...*” and proceeds to acknowledge that this is not consistent Secretary’s Standard No. 9 because of the substantial change at the east end of the historic resource and setting. None of the plans contained in the DEIR show the profile of the existing transit shed features to the proposed Bridge Building.

Please provide these plans as well as accurate height measurements of the pier sheds and monitor roofs, not just to the highest point on the roof. How much “larger” will the Bridge Building be than the transit shed? Without this information, there is no way to accurately assess the scale and massing of the proposed new Bridge Building.

**Lack of Information in the DEIR:**

The DEIR does not contain sufficient information to support its conclusion that Bridge Building will not have a potentially significant adverse impact on these historic resources. In addition to the measurements and drawings requested above as to the transit sheds in relation to the proposed Bridge Building, the DEIR is inadequate in that it fails to answer the following questions, which we request be addressed in the final EIR:

- How is the glass curtain-wall system consistent with the historic materials and elements of Piers 15 and 17? Where are such materials and design elements found on Piers 15 and 17?
- How is the glass curtain-wall system consistent with the historic materials and elements of other contributing buildings within the NR Historic District? Where are such materials and design elements found in the NR Historic District?
- Although we see no reference to it in the DEIR, we understand that Cortend steel will be an exterior design element, which will cause streaking and appear rusty. Where is Cortend steel found within the NR Historic District and how is such material justified as being compatible with the historic materials? What other materials are proposed to be used in the new Bridge Building that are not disclosed or considered in the DEIR?
- Questions concerning the need for the height and bulk of the Bridge Building: How is the proposed height and bulk of the Bridge Building, including the proposed roof deck railings and elevator penthouse compatible in size and scale with the pier sheds of Piers 15 and 17? Why does the mechanical apparatus room need to be in the Bridge Building, thereby forcing the building to be even larger and extend further north into the view corridor between the piers? What objectives would be fulfilled by the observation deck? How often will it be utilized? Will it be open to the public or as a space to entertain donors? Glass railings will make the building taller and more out of scale with the historic pier sheds and will require the higher elevator penthouse. The project is proposing two cafes in Pier 15 – a small take out cafe at the front end Embarcadero side that would be essentially walk



through and a larger cafe that would occupy the ground floor of the connector building. What are the seating capacities of the two proposed cafes? Are two cafes actually necessary? Perhaps the proposed connector building could be reduced in height and mass if the second café was eliminated, particularly since a third café is anticipated to be included later within Pier 17. Why are 3 restaurants/cafes (a total of 17, 000 sq feet) necessary for the project?

- How are the proposed glass bridges compatible with the materials and elements of the National Register District?
- How do the proposed materials for the Bridge Building meet the Secretary of Interior's Standard No 9, which specifically requires that the new work shall be "*compatible with the historic materials, features, size, scale, and proportion, and massing*" of Piers 15 and 17 as required by Standard No. 9.
- How are each of the other Secretary of the Interior's Standards met? As to whether the Standards are met, the DEIR contains statements to the effect that the Standards can be met "on balance" or that the project is "generally in compliance" with the Standards. We disagree with this conclusion. Compliance with the Secretary's Standards is not a balancing test. The project must be carefully analyzed based on each of the individual Standards.
- As pointed out in the DEIR, the proposed Bridge Building would impact the original pier shed's clean unobstructed lines and the spatial qualities that characterize the pier shed. It would also result in the removal of historic roof trusses inside Pier 15. Are these impacts really necessary in order to accommodate the new proposed use of the piers for use by the Exploratorium? Why can't the new use be accommodated within a more compatible structure?
- How is the proposed design of the Bridge Building, including the proposed glass and steel materials, necessary to meet the needs of the Exploratorium? Why did the DEIR not consider alternative designs and materials that would be more consistent with the historic materials, features, size, scale, and proportion, and massing of Piers 15 and 17?
- Policy 2.5 of the Urban Design Element of the General Plan requires that the care be used in remodeling of older buildings in order to enhance rather than weaken the original character of such buildings. Please explain how the materials, design, size and form of the proposed new Bridge Building (including the glass curtain-wall system on the west and east facades, the large areas of glazing, the glass bridges and the Cortend steel elements) comply this Urban Design Element in relation to Piers 15 and 17.

- Please cite other examples of piers anywhere in the NR Historic District or elsewhere on the SF Bay that have a sizeable new building constructed at the water's edge (with an elevator penthouse). Can you cite any examples of any other piers anywhere in the state that have a sizeable building at the water's edge?

3. **Significant adverse effects of the proposed Bridge Building on Birds/Biological Resources is not considered.** The DEIR fails to consider the potentially significant impacts on birds flying into the large expanses of glass that will comprise the structure proposed to be constructed at the end of the pier shed. The glass railings proposed to enclose the roof deck will increase these impacts further, as would the glass bridges, particularly the second bridge contemplated to be constructed to link the Bridge Building to Pier 17 in the "Expanded Project" at the second level.

**IMPACTS TO PIERS 15 AND 17 MUST BE CONSIDERED AS A SINGLE PROJECT UNDER CEQA.**

Although the DEIR describes the project as being comprised of both Pier 15 and Pier 17, it fails to consider the changes to these historic resources as a single project as required under CEQA. The possible expansion of the Exploratorium into Pier 17 is identified as the "Expanded Project" in the DEIR, but the document contains no specific plans for the resulting modifications to Pier 17, the third oldest Pier on the San Francisco Waterfront.

As stated in the DEIR at page III.D-32, the project description for Pier 17 is currently at the conceptual level and *"does not provide the level of detail necessary to determine whether the Expanded Project is or is not consistent with the Secretary's Standards. Because the proposed improvements that comprise the future Expanded Project at Pier 17 remain conceptual and additional information is required to support a determination as to their consistency with the Secretary's Standards, these improvements have the potential to impact Pier 17 and character defining features."*

Both Piers must be considered as a single project for purposes of CEQA. Otherwise, it is not possible for the public or decision-makers to properly analyze the impacts of the project in making the decision on whether to approve the project. The intended future uses and detailed plans for the inclusion of Pier 17 must be included and studied in the EIR. Without considering the impacts of potential changes to Pier 17, the project is being piece-mealed in conflict with the requirements of CEQA. As described further below, the DEIR's deferral of consideration of the whole project's potentially significant impacts to a future date is in violation of CEQA and does not properly mitigate such impacts.

**A FINDING OF LESS THAN SIGNIFICANT IMPACT ON HISTORIC RESOURCES CANNOT BE BASED ON FUTURE REVIEW.**

**Future Review of Impacts to Pier 17:**

As the "mitigation measure" for potentially significant impacts to Pier 17, the DEIR improperly relies on future compliance of the project with "design and performance criteria" to reduce the project to less than significant. According to the DEIR (page S-25), it will be the Planning Department Environmental Review Officer (ERO) who will be responsible for monitoring the project sponsor's compliance with this mitigation measure. Under this process, the ERO will be required to consult with the Port prior to making a determination that the Expanded Project has complied with this mitigation measure and the project sponsor will hire a preservation architect to prepare an amended historic resources evaluation for the Port's review as to compliance with the mitigation measure.

This proposed "mitigation measure" is not an adequate mitigation measure under CEQA for potentially significant impacts to Pier 17, nor is it a substitute for the failure to consider the impacts of the whole project in the DEIR.

**Future Review of Impacts Caused by the Bridge Building:**

The DEIR improperly relies on future regulatory review by the State Office of Historic Preservation, the National Park Service, Bay Conservation & Development Commission's (BCDC) and the Port's Waterfront Design Advisory Committee *"to achieve greater consistency with the Secretary's Standards"* (page III.D-30) to reach its conclusion that the construction of the Bridge Building would result in a less than significant impact on historic resources. Reliance on future regulatory procedures to mitigate potentially significant impacts is not a substitute for environmental review under CEQA. Please explain how this future regulatory review is relevant to the CEQA review of the impacts caused by the project on historic resources?

We note that the Historic Preservation Commission (HPC) is not included in the list of required regulatory review of this project. No mention is made of the requirement for HPC review and approval of this project. Please explain the reason for this oversight.

**THE PROPOSED PROJECT IS NOT CONSISTENT WITH EXISTING PLANS AND POLICIES.**

As you know, there are several plans governing the type of development permissible along San Francisco's Waterfront. These include the Port's Waterfront Land Use Plan and the Waterfront Design and Access Element and the Bay Conservation & Development Commission's (BCDC) Special Area Plan. Each of these plans call for the complete removal of the valley between Piers 15 and 17 and the existing non-historic connector building in order to open up the water and thereby provide the public with visual and physical access to the Bay. The proposed Bridge Building is inconsistent with these



plans and cannot be built unless and until all of these plans are formally amended. (pages III.B-2 through 4).

The DEIR states that these plans and policies are not related to environmental impacts. On the contrary, these plans and policies relate to aesthetics, the visual character of our waterfront, public view corridors, and the enhancement and protection of San Francisco Bay. The proposed project, including the construction of the new Bridge Building extending north 75 feet from the Pier 15 Shed and 2 bridges spanning the valley between Piers 15 and 17 would impact public view corridors and impede the restoration of the area to open bay water. Exactly how many square feet of the total of 98,350 square feet of the valley between Piers 15 and 17 will be returned to open water? What percentage of the opening between the Piers will be blocked by the Bridge Building? We urge consideration in the final EIR of an alternative project that would decrease the percentage of proposed new physical structures and obstructions within the valley between the two piers.

One of the reasons the THD had been excited and supportive of this project from the beginning was because the Exploratorium was going to remove the valley floor in its entirety – quite literally connecting residents to their waterfront.

**THE DEIR DOES NOT ADEQUATELY ADDRESS THE PROJECT'S POTENTIAL IMPACTS ON TRANSPORTATION AND CIRCULATION.**

The following are some key transportation issues needs further discussed by the DEIR:

- Curb changes. We would like to understand the impact of extensive cut outs/white zones/drop off zones on pedestrians and bicycles/ bicycle lanes along on Herb Caen Way.
- Bus impact. Where will the buses park after dropping off field trip school children?
- Parking impact. If Seawall Lot 321 across the street is changed from a long term parking lot to 1 hr parking, where will the longer term parkers relocate? What are the available alternatives? The impact on the surrounding neighborhood must studied.
- Ferry and water taxi service. Ferry service should be integral to the project. Since fast ferries have been proposed for transit to the North and South bays, ferry service should be integral to the project. In addition, water taxis should be utilized.

**THE DEIR DOES NOT ADEQUATELY ADDRESS THE PROPOSED IMPACTS ON  
ASETHETICS**

Photo voltaic units on pier shed roofs. We are very concerned about the aesthetic impact on these historic structures of the photo voltaic units. Reflectivity could also be an issue with these units. It is important for the Exploratorium to use the very latest and best technology to show how photo voltaic units can be utilized without negative visual and aesthetic impacts. We would like more information on the type of unit proposed, its reflectivity and the number of square feet the units would take up on the rooftops – are the units only being proposed for Pier 15's rooftop for the moment?

We thank you for your consideration of our comments and we look forward to your responses with regard to the issues and questions we have raised in this letter.

Sincerely,



Vedica Puri  
Andreas Katz  
Co-Chairs, Waterfront Committee  
Telegraph Hill Dwellers

cc: James Suh  
Project Manager  
Wilson Meany Sullivan  
Four Embarcadero Center, Ste. 2200  
San Francisco, CA 94111

BCDC  
Planning Commission  
Waterfront Design Advisory Committee (WDAC)  
State Office of Historic Preservation



## SAN FRANCISCO PLANNING DEPARTMENT

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March 5, 2009

Mr. Bill Wycko  
Environmental Review Officer  
San Francisco Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

Dear Mr. Wycko,

On February 18, 2009, the Historic Preservation Commission (HPC) held a public hearing and took public comment on the Draft Environmental Impact Report (DEIR) for the proposed Exploratorium Project at Piers 15 and 17. After discussion the HPC arrived at the comments below:

- The HPC recommends that the Final Environmental Impact Report (FEIR) provide a detailed discussion of the proposed project's compliance with the Secretary of the Interior's *Standards for the Treatment of Historic Properties*, Rehabilitation Standard 9, as it pertains to the addition of the "Bridge Building." While the general size of the proposed addition was found to be appropriate, there was not a consensus among the HPC as to whether the addition's proposed steel and glass materials comply with Rehabilitation Standard 9.
- The HPC recommends that the FEIR require HABS-level documentation of the pre-1929 addition at the northwest corner of Pier 17 shed prior to its demolition as part of the Cultural Resource Mitigation Measures;

The HPC appreciates the opportunity to participate in review of this environmental document.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Chase".

Charles Chase, Interim President  
Historic Preservation Commission



## CALIFORNIA STATE LANDS COMMISSION

100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202

PAUL D. THAYER, Executive Officer

(916) 574-1800 FAX (916) 574-1810

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MAR 12 2009

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
M E A

March 10, 2009

File Ref: G11-01  
SCH 2007052052

Bill Wycko, Environmental Review Officer  
San Francisco Planning Department  
1650 Mission Street, Ste 400  
San Francisco, CA 94103

Dear Mr. Wycko:

RE: Comments on Draft Environmental Impact Report for Exploratorium Relocation  
Project – SCH #2007052052

The staff of the California State Lands Commission (CSLC) has reviewed the Draft  
Environmental Impact Report (DEIR) [SCH #2007052052] for the Exploratorium Relocation  
Project (Project) and submits the following comments for your consideration.

As stated in the DEIR, the lands that the project will occupy are legislatively granted  
sovereign lands held by the City and County of San Francisco pursuant to Chapter 1333,  
Statutes of 1968, and as amended with minerals reserved to the State.  
Any proposed uses involving granted tidelands must be consistent with the common law Public  
Trust Doctrine and the applicable granting statute(s). Acceptable trust uses include, but are not  
limited to, uses that promote water-oriented or water dependent recreation and commerce,  
navigation, fisheries, public access, and the preservation of the land in its natural condition.

Staff of the CSLC, the Port of San Francisco and the Exploratorium have been, and will  
continue to be, involved in discussions to determine the Project's trust consistency with the  
Public Trust and the legislative grants.

We appreciate the opportunity to comment. If you have any questions concerning the  
CSLC's jurisdiction, please do not hesitate to contact me at (916) 574-1227. Thank you.

Sincerely,



Grace Kato  
Public Land Management Specialist



SAN FRANCISCO  
ARCHITECTURAL  
HERITAGE

March 16, 2009

Mr. Bill Wycko  
Environmental Review Officer  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

Dear Mr. Wycko:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) regarding the adaptive reuse of Piers 15 and 17 for relocation of the Exploratorium. This project is sure to be great for the City and the economy, and we look forward to seeing it continue to evolve.

The Heritage Issues Committee saw this project in September 2008. In general we are pleased with the changes made to the previous design, as reflected in the DEIR. We understand that there probably is no program that would allow for an open space floor plan, but we encourage further study to explore and experiment with new alternatives for the interior - in particular, the approach and entry relationships to the interior volume. It would truly be a shame to lose the spectacular open nave of the building, as the current design closes the perspective view, even with the glass walls.

There are many possible alternatives for this interior space. The EIR should look at alternatives to minimize the bulk created by the clusters to allow for the view. Perhaps the clusters could flank the north and south walls, to leave the center open. They could then be connected with bridges or catwalks. Another option would be to extend the clusters in length and mass them against the north wall in a one side lateral load, leaving the south side open as a double-height open run. There should be further experimentation with placement to preserve perspective of space along the nave. Perhaps the creation of an elevated platform at the entrance to enable the long perspective view would help.

In regards to the new addition, we are enthusiastic about the idea of opening up the space to the bay and bringing the tidal action into the courtyard. Our previous concerns regarding the material choices of the bridge building have been appeased as we learned that the project sponsor is replacing the steel with concrete. Nonetheless, the EIR should address the Secretary of the Interior's Standard No. 9 in terms of compatibility of the addition. If the design has indeed been changed, the EIR should apply the Standards to the new design to assure its compatibility.

BOARD OF  
DIRECTORS

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Jack A. Gold  
*Executive Director*

Mr. Bill Wycko  
Page 2  
March 16, 2009

The Final EIR also must visually reflect these design changes, as there are no new drawings of the proposed structure which clearly showed the architectural details or scale height measurements in comparison to the historic areas. The DEIR in general lacks sufficient graphic representation of the project, and its potential impact on viewpoints and approaches.

We are in support of the reuse of Piers 15 and 17 for the Exploratorium. It is our hope that the Final EIR will take into account the compatibility of additions and alternative designs for the interior spaces.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jack Gold". The signature is fluid and cursive, with the first name "Jack" being more prominent than the last name "Gold".

Jack A. Gold  
Executive Director





Making San Francisco Bay Better

March 16, 2009

Mr. Bill Wycko  
Environmental Review Officer  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

**SUBJECT:** Comments to the Draft Environmental Impact Report  
for the Exploratorium Relocation Project; SCH #2007052052  
(BCDC File Nos. 9-06, M94-62, and MC.MC.7812.1)

Dear Mr. Wycko:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Exploratorium Relocation Project to relocate the Exploratorium from its existing location at the Palace of Fine Arts, to Piers 15 and 17 along the Embarcadero of the San Francisco Waterfront. The Commission is a responsible agency for this project and will rely on the DEIR when it considers the project.

On June 5, 2007, BCDC staff commented on the Notice of Preparation (NOP) for the project's DEIR and outlined some of the policies and issues that the project raises with respect to BCDC's law and policies. We thank you for incorporating some of our comments into the DEIR. For clarity, some of the Commission's laws and policies that were previously included in our comment letter on the NOP have been re-stated in this letter. Although the Commission itself has not reviewed the DEIR, the staff comments are based on the McAteer-Petris Act, the Commission's *San Francisco Bay Plan* (Bay Plan), the *San Francisco Waterfront Special Area Plan* (SAP), the Commission's federally-approved management program for the San Francisco Bay, and the federal Coastal Zone Management Act (CZMA).

In general, the DEIR was well written, clear, and thorough in its analysis of certain aspects of the project. However, the staff believes that certain important elements of the project need more discussion in order for the Commission to analyze their potential impacts. These include certain aspects of the proposed Phase II project including: (1) the substructure and internal pier work proposed at Pier 17; (2) the connecting bridge at the Observatory Building; (3) the construction of the public access deck extension on the south side of Pier 17; and (4) proposed vehicle circulation within public access areas. In addition, more information is needed on the proposed water taxi landing, the Bay water pumping system, and the dredging component of the project. These and other issues are discussed below.

### **Jurisdiction**

The DEIR includes an appropriate discussion of BCDC's jurisdiction at this location and some of the policies that apply to this project, based on our comments on the NOP. As indicated in the DEIR, the majority of the Exploratorium relocation project will be within the Commission's Bay jurisdiction. The proposed project would involve extensive seismic repair or reconstruction of existing piers within the boundaries of the existing pier footprint and fill within an open water area. In order to authorize this project, the Commission will need to find that the activities are consistent with the McAteer-Petris Act, the policies and findings of the Bay Plan, and the policies of the SAP.

### **San Francisco Waterfront Special Area Plan**

1. **Removal of Structures.** The DEIR acknowledges that the proposed project would be inconsistent with the SAP policy requiring removal of the valley and the non-historic shed additions and would therefore require an amendment to the SAP in order to be approved. The proposed project would leave a portion of the valley deck and non-historic shed additions in place and, according to the DEIR, would not offset the amount of fill left in place by removing fill at another location. The DEIR identifies this inconsistency as "less than significant" because it assumes that an amendment to the SAP will be approved. The EIR should instead identify the inconsistency with the SAP as a potentially significant effect since no amendment has been approved at this time and the EIR should analyze the potential effects of the project under the current SAP policy. Since the removal of the deck and pilings that form the "valley" between Piers 15 and 17 and non-historic additions to the Pier 15 and 17 sheds were part of the public benefits that the Commission deemed necessary for it to set aside the otherwise applicable use restrictions of the McAteer-Petris Act, this inconsistency constitutes a potentially significant impact.

The SAP identifies specific piers along the San Francisco waterfront for removal to restore and preserve significant areas of open water along the shoreline. Open water areas benefit Bay water circulation and effective tidal action. Policy 1 of the Water Surface Area and Volume section of the Bay Plan states that the surface area of the Bay and the total volume of water should be kept as large as possible and that filling that reduces area and water volume should be allowed only for purposes providing substantial public benefits and only if there is no reasonable alternative. If the proposed project does not include removal of the valley and the non-historic shed additions as required in the SAP, it is possible that the Commission may require removal of an equal amount of fill elsewhere along the San Francisco waterfront as mitigation. Since the Commission cannot authorize this project as proposed without amending the SAP, this conflict with the fill removal requirements constitutes a potentially significant effect on the environment. The EIR should consider the potential impacts to Bay resources from retaining, rather than removing the fill.

2. **Bay Fill.** The EIR should include more information on the physical structure of the proposed water taxi landing along the south apron of Pier 15 and more specifically, the size and amount of fill (floating, pile-supported, or solid) that is required to construct the landing. The EIR should discuss whether the proposed fill would be consistent with the Commission's SAP policies on fill in open water areas, as well as the fill policies in Section 66605 of the McAteer-



Petris Act. If this DEIR is also intended to serve as the environmental document for the possible expansion of the Exploratorium into Pier 17, the EIR should include more specificity on the work that is proposed in Phase II, such as the proposed substructure and internal work at Pier 17, the proposed bridge connection at the Observatory Building and the proposed expanded public access deck along the south apron of Pier 17.

3. **Public Access.** As stated in our comment letter to the NOP for the DEIR, Section 66602 of the McAteer-Petris Act states, "...that maximum feasible public access, consistent with a proposed project, should be provided." The SAP further elaborates this requirement for projects along the San Francisco waterfront by stating, "[f]or a major development project occupying all or most of a pier(s), a project that provides 35% of the project pier area for public access should be deemed to provide maximum feasible public access..." Projects on finger piers where there is no change to the pier shed footprint must provide, to the maximum extent feasible, public access on the entire apron, a "Bayside History Walk", and an additional public access feature that is consistent with the project, the size of the pier and with the Secretary of the Interior's standards. According to the SAP, public access should be provided free of charge to the public, be generally accessible at any time, and emphasize passive recreation and focus on its proximity to the Bay and on the views and unique experiences that nearness to the Bay affords.

More analysis on the project's proposed public access is needed to determine whether the public access meets the Commission's laws and policies. Because the public access proposed to date has been considerably less than the 35% of the project pier area, the staff has had several discussions with the Exploratorium to assure that the public access provided is open, desirable, and brings the public to obvious points of interest at the site. In this regard, the number of days that ships will be berthed at the east end of the pier and alternative access routes for these times, vehicle use on the pier aprons, possible public access on the Observatory Building rooftop, public access provided in Phase II, including a Bayside History Walk in Pier 17, possible impacts to public access and views from the construction of the Bridge Building, and improvements along the Embarcadero promenade will all have a critical bearing on the Commission's evaluation of the proposed public access and should be thoroughly evaluated in the EIR.

#### **Bay Plan Policies**

The following are several other categories of issues raised by the proposed project's DEIR that the Commission has addressed through its Bay Plan policies:

1. **Dredging.** As discussed in the DEIR, the proposed project would involve dredging between Piers 17 and 19 to a depth of 20 feet in order to accommodate Baydelta Maritime's tugboats. The Commission's dredging policies state, in part, that dredging should be authorized when the Commission can find that "dredging is needed to serve a water-oriented use or other important public purpose, such as navigational safety" and "the siting and design of the project will result in the minimum dredging volume necessary for the project." The EIR should address how the goals of the project can be achieved while minimizing the volume of dredging.

The DEIR states that an Anchor Environmental study conducted in 2006 anticipated that the sediments would be approved for in-Bay disposal at the Alcatraz (SF-11) disposal site. The EIR should more thoroughly address dredging and disposal issues recognizing that: (1) the



Mr. Bill Wycko  
Environmental Review Officer  
San Francisco Planning Department  
March 16, 2009  
Page 4

Dredged Material Management Office (DMMO) has not taken action on the proposed dredged material quality or disposal options and may require additional testing before taking action; and (2) the Commission's policy preference is for beneficial reuse of dredged material, where feasible.

The EIR should analyze the proposed project with respect to the Commission's policy preference for beneficial reuse of dredged material, particularly in the case of deepening projects (as opposed to maintenance dredging). In particular, the EIR should identify beneficial reuse sites that are currently available and analyze the potential for additional sites to be created. In addition, some evaluation of the need to perform future maintenance dredging should be discussed in the EIR.

2. **Fish, Other Aquatic Organisms and Wildlife.** The policies in this section address the benefits of fish, other aquatic organisms and wildlife and the importance of protecting the Bay's subtidal habitats, native, threatened or endangered species and candidates for listing as endangered or threatened. The EIR should include more information on the proposed Bay water pumping system and address how the construction and use of this system would meet these policies and minimize impacts to special-status species and habitat in the Bay. Other Bay Plan policies may apply to this component of the project, but it is unclear at this time, what this system would involve. The EIR should also discuss the potential for bird strikes from new structures and windows proposed as part of the project and whether measures to prevent bird strikes that are recognized as effective in the scientific literature can address this issue.

3. **Safety of Fills.** Policy 4 in this section states that structures on fill or near the shoreline should have adequate flood protection including consideration of future relative sea level rise as determined by competent engineers. The following rates of global sea level rise are generally consistent with the California Climate Action Team Reports on Climate Change: (1) a low rate of 0.08 inches (2 mm) per year; (2) a medium rate of 0.18 in (4.6 mm) per year; and (3) a higher rate of 0.33 in (8.4 mm) per year. The EIR should analyze how the proposed structure would be designed to address future relative sea level rise.

Thank you for providing staff with the opportunity to review the DEIR for the Exploratorium relocation project. Please feel free to contact me at (415) 352-3616, or email me at [mingy@bcd.ca.gov](mailto:mingy@bcd.ca.gov) if you have any questions regarding this letter or the Commission's policies and permitting process.

Sincerely,



MING YEUNG  
Coastal Program Analyst

MY/mm

cc: State Clearinghouse  
Jennifer Sobol, Port of San Francisco  
James Suh, Wilson Meany Sullivan



March 16, 2009

Bill Wycko  
Environmental Review Officer  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

**Subject: Exploratorium Relocation Project – Draft Environmental Impact Report**

Dear Mr. Wycko:

The Bay Trail Project is a nonprofit organization administered by the Association of Bay Area Governments (ABAG) that plans, promotes and advocates for the implementation of a continuous 500-mile bicycling and hiking path around San Francisco Bay. When complete, the trail will pass through 47 cities, all nine Bay Area counties, and cross seven toll bridges. To date, slightly more than half the length of the Bay Trail alignment has been developed. In San Francisco, 9 of 24 miles of Bay Trail are complete.

Piers 15/17 are located along an existing segment of the Bay Trail and the relocation of the Exploratorium to this site would be a welcome addition to the San Francisco waterfront. This section of Bay Trail along the Embarcadero Promenade and the Embarcadero bike lanes is one of the most popular shoreline destinations in the city for bicyclists and pedestrians.

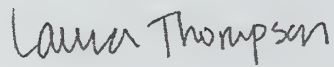
Bay Trail Project staff participated in the Bay Conservation and Development Commission Design Review Board public review process for this project. Throughout this process, our concerns have focused on the components of the project that impact the circulation, safety and waterfront experience of bicyclists and pedestrians. We appreciate the project-sponsor's efforts to address these concerns.

While the curbside private vehicle and bus drop-off areas are convenient for museum visitors, these loading/unloading areas encourage multiple vehicle crossings of the existing northbound bike lane and reduce the width of the existing Promenade. Despite the design features highlighted in this document, we continue to have concerns about the safety of bicyclists and pedestrians within the project area.

The Final EIR should address how the personal vehicle loading/unloading area and the bus loading/unloading area are functioning during museum hours AND when the museum is closed. A monitoring program should be established to determine whether the facilities are functioning in a safe manner.

Thank you for the opportunity to comment on the Draft EIR for this project. If you have questions, please contact me at (510) 464-7935, or by e-mail at [laurat@abag.ca.gov](mailto:laurat@abag.ca.gov).

Sincerely,

A handwritten signature in cursive script that reads "Laura Thompson".

Laura Thompson  
Bay Trail Project Manager



**APPENDIX B**  
**TRANSCRIPT OF DEIR PUBLIC HEARING**

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1

## SAN FRANCISCO PLANNING COMMISSION

## REGULAR MEETING

--oOo--

REGARDING PIERS 15 & 17 )  
THE EXPLORATORIUM RELOCATION )  
PROJECT )  
 )  
 ) 2006.1703E  
 )  
 )  
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## TRANSCRIPT OF PROCEEDINGS

THURSDAY, MARCH 5, 2009

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CITY HALL, 1 Carlton B. Goodlett Place  
SAN FRANCISCO, CALIFORNIA

REPORTED BY: KAREN A. FRIEDMAN, CSR 5425 JOB # 417393



1

## A P P E A R A N C E S

2

3 Ron Miguel, President

Commissioner Michael Antonini

4 Commissioner Gwyneth J. Borden

Commissioner William Lee

5 Commissioner Kathrin Moore

Commissioner Christina R. Olague

6 Commissioner Hisashi B. Sugaya

Lawrence Badiner, Zoning Administrator

7 John Rahaim, Director of Planning

8 Linda D. Avery, Commission Secretary

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## 1 P R O C E E D I N G S

2 SECRETARY AVERY: Commissioners, you are now on  
3 item number 8, case number 2006.1703E, Piers 15 and 17,  
4 the Exploratorium Relocation Project.

5 This is a public hearing on the draft  
6 environmental impact report.

7 MS. WISE: Good afternoon, President.

8 PRESIDENT MIGUEL: Commissioner Moore?

9 COMMISSIONER MOORE: I need to make a public  
10 announcement. I sit on the port's waterfront design  
11 advisory committee, and there has been a public question  
12 as to whether or not that constitutes a conflict of  
13 interest. And repeatedly talking, even just half an  
14 hour, it was determined that it doesn't. So I will sit  
15 in on the environmental review comments.

16 PRESIDENT MIGUEL: And Commissioner Sugaya?

17 COMMISSIONER SUGAYA: I should also reveal one  
18 client of ours, a chocolate-making factory in Pier 17,  
19 was a client of ours a number of years ago. But I don't  
20 think that presents a conflict at this point. The  
21 chocolates are great.

22 MS. WISE: Good afternoon, members of the  
23 Commission.

24 I'm Viktoriya Wise, Planning Department staff,  
25 and the purpose of today's hearing is to hear comments

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1 on the draft environmental impact report, case number  
2 2006.1703E, the Exploratorium Relocation Project.

3           Commissioners, before I delve into all the  
4       procedural points, let me briefly summarize the project  
5       description and, more importantly, provide a summary of  
6       the analysis found in the Draft EIR.

7           The project, of course, is the relocation of  
8       the Exploratorium museum from the Palace of Fine Arts to  
9       the San Francisco waterfront, namely Piers 15 and 17.

10          It's been anticipated that the project is  
11       actually going to occur in two phases. Phase number I  
12       is going to include relocation of the museum to Pier 15,  
13       replacement of the connector building between Pier 15  
14       and Pier 17, with a smaller new bridge building, and  
15       partial removal of the paved area known as "the valley."

16          The Exploratorium will lease Pier 17 from the  
17       Port but will sublease portions of Pier 17 to other  
18       tenants.

19          Phase II refers to the expanded project. This  
20       would include expansion of the museum, at some future  
21       date, into Pier 17, and associated rehabilitation of  
22       that pier. Both piers are contributing resources to the  
23       Embarcadero National Register, with the historic  
24       district. With that, the EIR found the project would  
25       have potential to result in significant impacts with

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1       respect to historical resources, noise, air quality, and  
2       biological resources. However, mitigation measures  
3       ensure that impacts are reduced along lines that are  
4       significant.

5           Let me just briefly touch on the four topics  
6       which the Draft EIR found to have potentially



7 significant impacts. Specifically, with respect to  
8 historic resources, while the EIR found Phase I would  
9 have a less-than-significant impact on Pier 15, the  
10 second phase would have a potential adverse impact on  
11 Pier 17.

12 The second phase of the project is anticipated  
13 to occur sometime in the future, and the project  
14 applicant does not have well developed plans such that  
15 the staff could produce a meaningful analysis of whether  
16 modifications to Pier 17 would be consistent with  
17 Secretary of the Interior standards.

18 The staff took a standard approach and said  
19 this Phase II expansion has the potential to adversely  
20 affect the historic resource. And the Draft EIR sets  
21 forth pretty robust mitigation measures, written  
22 specifically for Pier 17, to ensure that when the  
23 expansion occurs in the future, it is consistent with  
24 the standard and does not adversely affect the historic  
25 resource.

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1 The Historic Preservation Commission held a  
2 hearing on the Draft EIR on February 18th. An official  
3 comment letter on the Draft EIR was prepared, a copy of  
4 which was distributed to you earlier today.

5 At the Commission there was consensus that the  
6 final EIR should address the Secretary of the Interior's  
7 Standard number 9, and this pertains to the addition of  
8 the new bridge building. Specifically, there's  
9 consensus among commissioners that the analysis focus on  
10 the materials of the new bridge building, namely glass

11 and steel.

12           Commissioners, let me just mention that the  
13 project sponsor is no longer proposing to use Core-Ten  
14 steel, and in fact, that material has been replaced with  
15 precast concrete. The HPC also recommended that the  
16 final EIR require HABS-level office addition at Pier 17,  
17 which is proposed to be demolished.

18           Other cultural resources has to do with  
19 archaeology; potential impact to archaeological  
20 resources to be found. The Planning Department set  
21 forth a standard mitigation measure to ensure that  
22 impact is reduced.

23           With respect to other issues, like noise and  
24 air quality and biology, all impacts have to do with the  
25 construction of the project rather than the project

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1    itself. Specifically, pile-driving activities have the  
2    potential to exceed noise thresholds and create sound  
3    waves that affect marine mammals and have the potential  
4    to emit air pollutants.

5           And the other is, rehabilitation work on the  
6    roof of the two piers could impede the nesting of  
7    Western gulls, which we are concerned about. So the EIR  
8    wants to ensure all these impacts be reduced to a  
9    less-than-significant level.

10           With that, let me talk about a few procedural  
11 points regarding this hearing. The public comment for  
12 the Draft EIR began on January 28th and will extend  
13 until March 16th.

14           Comment will be transcribed by the court

15 reporter and will be responded to in writing. In regard  
16 to the comments, we will respond to all written and  
17 verbal comments received at the public hearing, and also  
18 revisions to the Draft EIR as appropriate.

19 This is not a hearing to consider approval or  
20 disapproval of the project. That really is a hearing,  
21 in fact, that very well could occur after the  
22 certification of the EIR.

23 This hearing is on the adequacy and accuracy of  
24 the information gained in the documents rather than the  
25 merits of the project.

8

1 With that, I would like the commenters to speak  
2 slowly and clearly. Also, commenters should state their  
3 name and their address, so they can be properly  
4 identified and so they be sent a copy of the results of  
5 the document once it's completed.

6 After hearing comments from the general public,  
7 we will also take comments from the Commission, of  
8 course. This concludes my presentation.

9 PRESIDENT MIGUEL: Thank you. With that, I  
10 will open the public hearing. I have a number of  
11 speaker cards. Ernestine Weiss followed by Bob  
12 Middlestar and Martin Beebe.

13 SPEAKER WEISS: Good afternoon, Commissioners.  
14 My name is Ernestine Weiss and I have been involved with  
15 this Exploratorium move from the get-go, and I'm very  
16 excited about this. It will make such a difference in  
17 the waterfront. We are really fortunate to have them  
18 come here, because we need that, really.



19           The piers -- I don't have to tell you what  
20   shape they're in. This is a welcome addition to the  
21   waterfront; just another jewel in the necklace, and I'm  
22   so proud. I liked what I saw from the beginning.

23           They are very anxious to cooperate and smooth  
24   everything out, and I am sure they will because, knowing  
25   their reputation, I have every confidence in them. So

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1   let's go ahead with it, and I would like to see that  
2   happen as soon as possible.

3           PRESIDENT MIGUEL: Thank you.

4           SPEAKER MIDDLESTAR: Good afternoon,  
5   Commissioners. My name is Bob Middlestar. I'm an  
6   architect in the city, and I'm here to represent Renew  
7   SF, which is revitalizing and energizing the northeast  
8   waterfront of San Francisco, and this falls right into  
9   our area, and I would like to add my strong support for  
10   this project.

11           I think it's coming at a very good time. It's  
12   going to be a world-class resource for San Francisco,  
13   and I'll just repeat what the previous speaker said, in  
14   principal. I think there is a potential problem with  
15   the bus drop-off for the children, and I would like to  
16   recommend that it not be moved from the front of the  
17   building, because I think children's safety is of  
18   paramount importance.

19           And I have actually seen the drawings for the  
20   building of Pier 15, and I think the building looks very  
21   good. I think it meets all the objections that I have  
22   heard about and certainly will be an addition to the

23 city. I urge you to lend your support to this project.

24 Thanks.

25 PRESIDENT MIGUEL: Thank you.

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1 If the speakers would realize the hearing is on  
2 the adequacy of the environmental document. The actual  
3 project will be considered at a later date.

4 SPEAKER BEEBE: I'm Martin Beebe, 150 Lombard,  
5 the waterfront.

6 I am a many-year resident of Telegraph Hill,  
7 down on Lombard Street on the second block of the  
8 waterfront. I know the area well. The addition of the  
9 Ferry Building's remodel and the farmer's market on  
10 Saturday mornings draws an enormous amount of traffic  
11 and is enormously successful.

12 We're there every week. I can see in terms of  
13 traffic flow, drop-off, all those factors, that the  
14 consideration of the Exploratorium is quite important,  
15 in that it will draw a lot of traffic, both for kids and  
16 adults. I think it's a very positive impact on the  
17 area.

18 I think everything they have in their drawings,  
19 their outline, the way they conduct themselves in the  
20 Exploratorium, where they are, is excellent, and I hope  
21 you will be endorsing their efforts in the near future.  
22 I thank you very much.

23 PRESIDENT MIGUEL: Thank you. Sarah Delaney,  
24 Peter Winklestein, and Tim Roche.

25 SPEAKER DELANEY: Hello. My name is Sarah

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1 Delaney, 93 Thorn Street. I'm a science teacher here in  
2 San Francisco, and I've taught at public school and at  
3 private school, and I teach middle school, which is  
4 probably the most challenging age to teach when you're  
5 trying to organize groups of kids.

6 I wanted to say that I support the findings of  
7 this report, and I do think it's very important that we  
8 continue to focus on safety of children and  
9 accessibility for children and, basically, more than  
10 anything, the enjoyment of the people going there. And  
11 if teachers and parents and kids are stressed because of  
12 other factors, it's going to decrease that enjoyment and  
13 the learning experience.

14 So I wanted to just support that the bus  
15 dropoff continues to stay on the same side as the  
16 museum. And I appreciate all your work. I'm very  
17 excited about this.

18 PRESIDENT MIGUEL: Thank you.

19 SPEAKER WINKELSTEIN: Good afternoon,  
20 Commissioners. I'm Peter Winkelstein, and I'm here to  
21 represent SPUR, San Francisco Planning and Urban  
22 Research Association.

23 This project has come before our committee that  
24 reviews projects, and I'm a member of that committee, so  
25 we are very familiar with the proposal, and we are very

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1 supportive of the project.



2 I understand that there's some concerns about  
3 the connector building being changed to a conservatory  
4 building, and we looked at that and felt that it did not  
5 have any negative impacts on the area, on the  
6 neighborhood. And particularly there were concerns  
7 about material, which you have already heard have been  
8 changed.

9 There is also concerns about the elevator  
10 shaft, which has now been moved out of the view  
11 corridor. So we feel that we don't see any negative  
12 impacts, based on the current design. So we feel it's a  
13 good project and support that. Thank you very much.

14 PRESIDENT MIGUEL: Thank you.

15 SPEAKER ROCHE: My name is Tim Roche; I live at  
16 3727 25th Street. I'm an avid bicyclist. I live and  
17 bike here. I don't think that the move and the bus  
18 cutoffs being on the same side of the Exploratorium  
19 should have any serious detrimental effect on the bike  
20 traffic. Thank you.

21 PRESIDENT MIGUEL: Thank you. Andy Haas.

22 SPEAKER HAAS: Good afternoon, Commissioners.  
23 My name is Andy Haas. My address is on Telegraph Hill.  
24 We have submitted some of our detailed comments on the  
25 Draft EIR to all of you and will be meeting again with

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1 representatives of the Exploratorium group next week.  
2 But I did want to take this opportunity to make a few  
3 comments on the EIR.

4 T.H.D. is very excited about the Exploratorium  
5 project at Pier 15 and 17. It will be a wonderful site

6 and resource for both tourists and residents. We do,  
7 however, have some concerns about the design of the  
8 project and the adequacy of the DEIR to consider very  
9 important environmental impacts. For the proposed new  
10 bridge building, there are no detailed drawings in the  
11 DEIR which clearly show the architectural detail or  
12 scaled height measurements in comparison to proposed  
13 sheds.

14 Some of the materials are incompatible with --  
15 Piers 15 and 17 are on the National Register -- and  
16 those include the glass bridges and the glass wall  
17 system.

18 We're also concerned about the height and bulk  
19 of the bridge building. We wanted to understand why the  
20 mechanical apparatus room needs to be in the bridge  
21 building, causing it to extend further north, into the  
22 view corridor between the piers.

23 Also, there's the potential for three  
24 restaurants and cafes totaling 17,000 square feet within  
25 Piers 15 and 17, which could be consolidated and located

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1 so as to reduce the mass and the height of the bridge  
2 building.

3 I also wanted to mention that I wanted to ask  
4 the question of how the proposed design of the bridge  
5 building, including glass and steel materials, is  
6 necessary to meet the needs of the Exploratorium. Why  
7 did the DEIR not consider alternative designs, more  
8 consistent with features, scale size, proportion, and  
9 massing of 15 and 17.

10           We urge that the final EIR that would increase  
11   the percentage of proposed new structures and  
12   obstructions within the valley be reconsidered. The  
13   current proposed plan calls for the bridge building to  
14   extend north 75 feet, and two bridges to stand in the  
15   valley. This will break the impact and limit visual  
16   obstruction.

17           Thank you for considering our comments, and we  
18   look forward to working with you and with the  
19   Exploratorium.

20           SPEAKER CROWLEY: Good afternoon, President  
21   Miguel, Commissioners. I'm Gerry Crowley, 7 Fielding  
22   Street, San Francisco 94133. And it's G-e-r-r-y.

23           Thank you. I'm former president of Telegraph  
24   Hill Dwellers. I come today to highlight some of the  
25   points that were outlined in the letter you received

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1   from us.

2           First, we disagree that the end of the pier  
3   shed is the rear of the shed. These sheds are, by their  
4   nature, due to the water from above and from the land.  
5   The addition of the bridge building will be highly  
6   visible from the water, from the sailboats, from the  
7   cruise ships, and I suppose even people driving in from  
8   the East Bay, occasionally, from the Bay Bridge.

9           Another issue is that there are no examples of  
10   piers anywhere in the National Register Historic  
11   District, or elsewhere in the San Francisco Bay, that  
12   have a sizable new building constructed at the water's  
13   edge, with an elevator penthouse. It is also our



14 understanding that there are no other examples on the  
 15 California coastline where a building appears at the end  
 16 of a pier.

17 Here's one I like. You know how proud we are  
 18 of our wild parrots of Telegraph Hill. A significant  
 19 adverse effect of the proposed bridge building on birds  
 20 and biological resources is not considered.

21 The DEIR fails to consider the potentially  
 22 significant impacts of birds flying into the large  
 23 expanses of glass that will comprise the structure,  
 24 comprise -- increase these impacts -- let me start all  
 25 over again.

16

1 The DEIR fails to consider the potentially  
 2 significant impacts of birds flying into the large  
 3 expanses of glass that will compromise the -- increase  
 4 these impacts -- gee, I'm telling you, today is bad --  
 5 will compromise the structure, the structure proposed to  
 6 be -- the glass ceilings will increase these impacts  
 7 further, as will the glass bridges, particularly the  
 8 second bridge, contemplated to be built to Pier 17, in  
 9 the expanded project, the second level.

10 Currently we are concerned, as you will hear  
 11 from others that there is no plan for Pier 17 --

12 PRESIDENT MIGUEL: Thank you. Alec Bash.

13 SPEAKER BASH: Mr. President, members of the  
 14 Commission, and staff, my name is Alec Bash. I live at  
 15 936 Church Street, San Francisco 94114. I am here to  
 16 speak as an interested individual who also happens to  
 17 serve on the port's northeast waterfront advisory group.

18           We have had several presentations of the  
19 project there, and everybody is most interested in  
20 seeing how things proceed with the Exploratorium. The  
21 one comment I would make with regard to the EIR is that  
22 in the old project alternative, it does mention that the  
23 buildings are either red- or yellow-tagged, or portions  
24 of those buildings, and as you probably know from  
25 reading the newspapers and other sources you have, the

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1 port is in dire financial straits in terms of trying to  
2 preserve all those piers, which are all now within the  
3 Historic District. So as projects do come before you,  
4 one of the things they do bring with them is a  
5 public/private partnership which acts to preserve those  
6 buildings and those resources for the city.

7           So I would urge that there would, to some  
8 degree, be some mention, in the no-transit alternative  
9 that that could increase the likelihood of the piers  
10 ultimately deteriorating over time.

11           I don't think any real analysis is needed, and  
12 I'm not asking for that, but I think there should be  
13 some mention in that regard. Thank you for your time  
14 this afternoon.

15           PRESIDENT MIGUEL: Thank you.

16           SPEAKER GOLINGER: Good afternoon,  
17 Commissioners. My name is Jon, J-o-n, Golinger,  
18 G-o-l-i-n-g-e-r. I live at 66 A Green Street in North  
19 Beach, and I'm here today speaking as an individual.

20           I will mention by way of background, I helped  
21 found the Citizens to Save the Waterfront, which is a

22 coalition of neighborhood groups and local businesses in  
23 the northeast waterfront.

24 I'm particularly active around the Bell  
25 Project, a few years ago, and I became familiar

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1 professionally, and I'm personally concerned with smart  
2 development on the northeast waterfront in particular.

3 As you know, San Francisco's waterfront is a  
4 unique resource. We only have one. So even with  
5 projects that you like, and you can include the  
6 Exploratorium in that category -- it clearly invites  
7 people to the waterfront in a way that connects them to  
8 it -- we need to make sure we get it right the first  
9 time because we only have one waterfront.

10 Let me speak to the two concerns I want to  
11 address with the DEIR. First and foremost, there is not  
12 an adequate analysis of the inconsistencies between the  
13 project proposal and the waterfront land-use plan.  
14 There is a comprehensive land-use plan in place,  
15 mandated by the voters by Proposition H -- and it, along  
16 with the waterfront, is not an access element, and the  
17 BCCE; all three call for the elimination of the existing  
18 building at the end of Piers 15 and 17 and opening up of  
19 the middle area in a way that that project does not do.

20 In the DEIR, it sort of dismisses that  
21 conflict, by stating that the visual concerns, the view  
22 corridor, and the conflict with the land-use plan are  
23 not environmental impacts for the purposes of the DEIR.  
24 But I submit to you that the visual character of the  
25 waterfront, the esthetics, the protection of our bay, of



1 the waterfront plan, as mandated by the voters, are  
2 exactly environmental impacts and need to be studied  
3 more carefully, or at least analyzed more carefully than  
4 the DEIR gives them credit.

5 Secondly, Piers 15 and 17, this is being  
6 proposed as a single project, and the DEIR doesn't  
7 require that they be analyzed as a single project, under  
8 CEQA.

9 The fully fleshed-out details, or at least a  
10 more fully formed proposal of Pier 17 should be  
11 considered rather than what effectively can become  
12 piecemeal of the project by giving it approval now and  
13 studying the effects later.

14 The proposal that the mitigation measure, by  
15 hinging future compliance of the project with design and  
16 performance criteria that will be reviewed later by  
17 other agencies, I submit, does not comply with the CEQA  
18 requirement to analyze the project in detailed phases,  
19 and do it fully. Thank you for your time.

20 PRESIDENT MIGUEL: Thank you. Are there any  
21 further public comments on this? If not, that is  
22 closed.

23 I would like to make a few remarks. I  
24 appreciate the fact that this is going to activate that  
25 section of the waterfront and will rehabilitate piers

20

1 that greatly need rehabilitation. There is no question  
2 on that at all, and I happen to have three friends who  
3 are very, very active with the Exploratorium. I love  
4 the work they do, as do my kids and do my grandchildren.

5 But that aside, we're talking about the  
6 environmental impact. I am not certain that, from my  
7 first review of it, that the concept of that much glass,  
8 as to impact on birds, the Audubon Society is upset, as  
9 well as others -- as well as additional light pollution  
10 -- totally works.

11 I do feel that the view corridor, in my mind --  
12 and I often disagree with CEQA -- in my mind is an  
13 environmental concept that has to be looked at. And I  
14 also, as the last speaker commented on, have a great  
15 deal of problem in my mind when we deal with an  
16 environmental impact report on something that may not  
17 even come to fruition for 15 years or more. And that is  
18 Pier 17.

19 That may be a lot longer in the future than  
20 anyone presumes. And I have seen situations in the past  
21 where portions have been taken care of on something that  
22 has gone through an environmental impact report; other  
23 portions were held in abeyance for a number of reasons,  
24 and many years down the line, when they came up,  
25 circumstances had totally changed, and the cumulative

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1 effects of what had happened in the interim around that  
2 particular location were totally different than they had

3 been at the time of the environmental impact report.

4 And that can primarily have to do with  
5 transportation, but perhaps many other things. So I  
6 have a problem with the Pier 17 situation in there when  
7 I have no concept whatsoever, nor do I think others do,  
8 as to when that may come into play.

9 Commissioner Lee?

10 COMMISSIONER LEE: Viktoriya addressed four  
11 issues. Historical resource, I think the issue will be  
12 resolved by historical preservation.

13 Regarding the other issues -- noise, air, and  
14 biological issues -- the noise and air, you're going to  
15 have it anyway. But my sense is it's more of an EPI.  
16 There are mitigation issues required by OSHA.

17 Regarding those four issues, I think the draft  
18 EIR is fine. I think it addresses it.

19 Regarding this whole view issue, my view on it  
20 is it is not required by CEQA. And if we take views,  
21 you might as well get rid of the Planning Department and  
22 make sure we don't build anything else in the city.

23 How can you discriminate between a court area  
24 versus the rest of the area we're going to build. Are  
25 high-rises going to block someone's view?

22

1 If we take views as part of the CEQA process,  
2 which we have never done before, we're setting a new  
3 standard here. If that's the case, you say views, it's  
4 got to be a policy decision by the City, and maybe by  
5 all the voters. If that's the decision, you're going to  
6 block someone's views.



7           Regarding the bird issue, there are other  
8 places in the United States that are high-rises. They  
9 are on port property. If you go to New York City, they  
10 have high-rise buildings made of glass. Maryland also  
11 has glass there. The question of where the birds come  
12 and how they hit, granted there's different cities and  
13 they have different rules and regulations. But I don't  
14 have an issue with how they designed Pier 15 out there.  
15 In some ways I like it. And we have been criticized by  
16 the Mayor for not thinking outside the box in  
17 architecture. Maybe this will fit in.

18           I haven't seen design. The EIR does not talk  
19 about the design itself, nor should it.

20           Regarding other areas, the EIR is very  
21 consistent legally with all the other EIRs. I have  
22 taken the opportunity to look at other EIRs. As a  
23 matter of fact, I think we have looked at a lot more  
24 detail, maybe because you are in the Bay Area, because  
25 you need to do that.

23

1           Otherwise, I don't see, on my personal view,  
2 how this issue comes at all with the draft EIR.

3           PRESIDENT MIGUEL: Commissioner Moore.

4           COMMISSIONER MOORE: A couple of comments. The  
5 draft EIR was very thorough. But they also show there  
6 are many issues about the building, which, as many  
7 people commented on, is really a piece of work in the  
8 making.

9           The project design is significant and  
10 responsive to a number of concerns, that it was starting

11 to address some of those issues being raised.

12           Generally, I think very strong support for the  
13 building and its use, because it really does complement  
14 the northern end of the waterfront, and some of the  
15 technical issues, I think, remain part of the design  
16 requirement, and an accountability of the building,  
17 ultimately, to the EIR process and approvals.

18           It's not just two trains not meeting in the  
19 night, but indeed they will have to meet somewhere. The  
20 one concern I would say, as we're making the building,  
21 moving it out of port and glass, it still needs to have  
22 a transparency in order to allow views to the bay  
23 through the building, in some form or another.

24           It's a critical balance about an element which  
25 is more a materiality point of view, responding to the

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1 pier buildings, but is also one which allows views or  
2 partial views through it or alongside it.

3           The fact that the elevator housing has been  
4 moved over brings that element more into the massing of  
5 the overall. So many of the things are being addressed  
6 because the building is being looked at by a number of  
7 competent people who are shaping it with public interest  
8 in mind.

9           Generally, I would agree with the comment  
10 President Miguel made. I am concerned that the  
11 quantitative and qualitative aspects of Pier 17 are not  
12 described. They are addressed in some generic form.

13           I would like to fully support what Commissioner  
14 Miguel said, and I would rather like to either have more

15 disclosure or take 17 out of this particular approval  
16 process. Thank you.

17 PRESIDENT MIGUEL: Commissioner Antonini?

18 COMMISSIONER ANTONINI: First a question. And  
19 I guess I read through the records, and we're talking  
20 about the facades, and of course 15 has a neoclassic  
21 facade, and from what I can tell, 17 never did. Is that  
22 correct?

23 MS. WISE: That is correct. It is one of the  
24 few piers that do not have a bulkhead on it.

25 COMMISSIONER ANTONINI: Right. Because where

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1 that is, the public would command the most of the  
2 facades that inter run the Embarcadero. But as you  
3 described, that was not ever there, so there's nothing  
4 to restore it back to its original state. Although  
5 there were some changes that occurred to the front of  
6 that pier over the years.

7 MS. WISE: Yes, and even though there's no  
8 bulkhead to Pier 17, it still has a facade with wood  
9 doors.

10 COMMISSIONER ANTONINI: Yes. I read the  
11 history, and other questions with regards to the  
12 connector bridge, I think it's been analyzed correctly  
13 here. There's a difference in height of four feet  
14 between the existing connector building and the proposed  
15 bridge.

16 I mean, I guess the question began to be  
17 raised, should you be analyzing Pier 17 at the same time  
18 as Pier 15 if Pier 17 might not be utilized at the same



19 time. We hear we have to do analysis that is wider in  
20 scope, because of future development, although in doing  
21 that, we may analyze something years before it's  
22 actually finished.

23 So it is kind of a quandry, but I think you're  
24 better to err to decide about the wider analysis than a  
25 narrower analysis.

26

1 Finally, on the issue of the birds, a couple of  
2 weeks ago I thought they were higher buildings and they  
3 were mistaking them for stars. So this may be  
4 lower-flying birds. I'm not quite sure what that  
5 commentary was.

6 I didn't analyze it. I'm not sure that it has  
7 to, in my opinion.

8 PRESIDENT MIGUEL: Commissioner Sugaya?

9 MR. SUGAYA: I'm sure this has been analyzed  
10 already in terms of Pier 17, and why it's included, and  
11 the level to which the analysis has taken place. I'm a  
12 little uncomfortable with it, but on the other hand, I  
13 would think if the development of 17 is way down the  
14 road, there will be another kind of tiered environmental  
15 report, or something of that nature, I would expect.

16 MS. WISE: Especially if circumstances have  
17 changed surrounding the projects.

18 COMMISSIONER SUGAYA: Exactly. Just to  
19 comment, I think the DEIR itself is woefully inadequate  
20 in terms of its graphics. How we can make a conclusion  
21 that the connector building is sort of okay and arrive  
22 at some mitigation measures, at least on what's on the

23 published document, I don't see how we can reach those  
24 conclusions. And perhaps some better graphics would  
25 assist the public in doing so.

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1 To Commissioner Lee's point, though, there is  
2 the esthetic section, which does treat views from  
3 various places, from Telegraph Hill and the Embarcadero  
4 and what-not, so views and esthetics are analyzed within  
5 the context of the EIR.

6 And I think with respect to the design, just  
7 aside from the graphics, we are concerned about its  
8 location within the National Register District, of  
9 course, and the adherence and compliance with the  
10 Secretary of Interior standards.

11 In this case, I would think it would be  
12 rehabilitation. And I assume that's going to be  
13 ongoing, because there will be, especially if the port  
14 is going to follow its usual procedure of requiring this  
15 to be submitted for, I think, I don't know, since this  
16 is a nonprofit, but submitted for tax credits? Are they  
17 making them do that or not? It's not a for-profit  
18 developer.

19 MS. WISE: They're considering it, but I don't  
20 think they've committed.

21 COMMISSIONER SUGAYA: Because they could enter  
22 into some kind of complicated lease arrangement. In any  
23 case, that's neither here nor there. In my experience  
24 with view-to-view, if it does go through the National  
25 Park Service, there was a huge amount of concern, which

28

1 I believe the consultants to the Exploratorium already  
2 know about, about how the interior spaces are viewed,  
3 and how much of the interior spaces can be experienced  
4 as a volume, since the volume of the pier sheds are one  
5 of the most important character-defining features.

6 So I can tell from, somewhat from the plans  
7 that are in the EIR, that there are large chunks of open  
8 space in the pier sheds. But one of the concerns, I  
9 think, is the actual approach and entry relationships to  
10 the interior volume.

11 So those are just some comments.

12 PRESIDENT MIGUEL: Commissioner Moore?

13 COMMISSIONER MOORE: I want to make one more  
14 comment about the graphic depiction of some of the  
15 elements. I have to say that the viewpoint analysis,  
16 3C-13, which is the volume depiction existing before,  
17 and project and expand project, are somewhat  
18 insufficient because they're taken from a viewpoint that  
19 is so far away that I literally had to ask someone if  
20 they saw something new on the thing.

21 I think that does some in justice to what is  
22 really a change, and it should be depicted. If it's  
23 really holding up to public scrutiny, you might as well  
24 be on this side of the street and look at it, meaning  
25 the water side of the street.

29

1 It's impossible to discern. Why not move the



2 viewpoint up a little closer, with the computer.

3 PRESIDENT MIGUEL: Anymore questions?

4 Comments?

5 With that, the hearing is closed.

6 (Whereupon, the proceedings were adjourned at 4:38 p.m.)

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2 CERTIFICATE OF REPORTER

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4 I, KAREN A. FRIEDMAN, a Certified Shorthand

5 Reporter, hereby certify that the foregoing proceedings

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